

THE GAMBIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Gambia is a multiparty democratic republic. In December President Adama Barrow won reelection with 53 percent of the vote. International and domestic election observers determined the elections to be free, fair, transparent, and peaceful, despite widespread but minor administrative problems. International and domestic observers considered the 2017 National Assembly elections to be mostly free and fair.

The Gambia Police Force maintains internal security and reports to the Ministry of Interior. The Gambia Armed Forces consist of four branches: the Gambia National Army, the Gambia Navy, the Republican National Guard, and the Gambia Air Force. The Gambia Armed Forces' principal responsibilities include aiding civil authorities in emergencies and providing natural disaster relief. The chief of the defense staff administers the Gambia Armed Forces and reports through the minister of defense to the president as commander in chief. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by government or on behalf of government; harsh and life-threatening prison conditions; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early, and forced marriage, and female genital mutilation and other harmful practices; trafficking in persons; existence of laws criminalizing consensual same-sex sexual conduct between adults, although the law was rarely enforced; and the existence of the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person

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

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

b. Disappearance

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

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

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

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

In July 2020 Commander Gorgi Mboob of the Police Anti-Crime Unit assaulted Ebrima Sanneh, an arrestee, at the unit's headquarters in Bijilo. In October 2020 the inspector general of police demoted Mboob at the recommendation of the National Human Rights Commission (NHRC). On July 26, the inspector general reappointed Mboob to his position. The NHRC requested an explanation from the inspector general concerning Mboob's return, but at year's end had not received an answer.

According to the online portal Conduct in UN Field Missions, there was one open allegation (submitted in 2018) of sexual exploitation and abuse by one of the country's peacekeepers deployed to a UN peacekeeping mission, allegedly involving an exploitative relationship with an adult from 2013 to 2015. The United Nations completed its investigation and awaited additional information from the government. Authorities did not provide the additional information or accountability measures taken.

Impunity remained a problem in the security forces, including in the prison service, police, and military. Factors contributing to impunity included corruption, inadequate training, and lack of oversight and accountability mechanisms. Offices charged with investigation abuses included the NHRC, the Office of the Ombudsman, and the Truth, Reconciliation, and Reparation Commission (TRRC). The *Truth, Reconciliation, and Reparation Commission Report*, finalized in November and published December 24, provided recommendations to hold alleged wrongdoers from the Jammeh era accountable.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding was a problem in some facilities, particularly in the remand (pretrial detainee) wing of the state central prison, Mile 2 Prison in Banjul, where police held detainees pending trial. Food quality and access to potable water, sanitation, ventilation, lighting, and medical care remained inadequate. In 2019 Amnesty International reported teenagers as young as age 15 being held with adults in pretrial detention facilities.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

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

d. Arbitrary Arrest or Detention

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

Military decrees enacted prior to the adoption of the constitution in 1997 give the National Intelligence Agency and the Interior Ministry broad powers to detain individuals indefinitely without charge “in the interest of national security.”

Although these detention decrees are inconsistent with the constitution, no one challenged their legality. The government no longer enforced the decrees.

Arrest Procedures and Treatment of Detainees

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

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

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. In some instances inmates in the remand wing of Mile 2 Prison awaited trial for several years. According to the Gambia Prison Services and World Prison Brief, 55.6 percent of the prison population was in pretrial detention as of April. The introduction of virtual courts, created in June 2020 in response to the COVID-19 pandemic, worked to reduce overcrowding, particularly among the remand population. Quicker case processing significantly reduced crowding in the remand wing and limited unnecessarily long pretrial detention.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants are presumed innocent until proven guilty. Officials did not always promptly inform defendants of the charges against them. The law provides for a fair, timely, and public trial without undue delay; however, case backlogs hampered the right to a timely trial.

Defendants enjoyed the right to be present at trial and to communicate with an attorney of their choice or if indigent and charged with a capital crime to have a

lawyer at public expense. Defendants had adequate time and facilities to prepare a defense. Officials provided free interpretation in defendants' local languages as necessary from the moment charged through all appeals. Defendants and their lawyers had the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Defendants may not be compelled to testify or confess guilt. They may appeal verdicts to a higher court.

The Gambia Bar Association continued to provide free legal services to some prisoners, including to defendants incarcerated in the country's three prisons and to remand and juvenile inmates.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

The constitution prohibits such actions, and there were no reports the government failed to respect those prohibitions.

Section 2. Respect for Civil Liberties

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

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this

right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

Internet Freedom

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

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and although government generally respected the right of peaceful association, it placed minor administrative limitations on the right of peaceful assembly.

Freedom of Peaceful Assembly

By law the Gambia Police Force must grant a permit for all public meetings and gatherings of large groups. The inspector general of police has the authority to approve or disapprove permits and is required to communicate his decision to the requester in writing. Police generally approved requests unless there was concern regarding the peaceful nature of a proposed gathering or protest. Following training from the governments of France, Spain, and Germany, security forces' capability to employ effective, nonviolent crowd-control techniques improved.

In the days after the December 4 presidential election, demonstrators favoring United Democratic Party (UDP) opposition candidate Ousainou Darboe took to the streets. After a crowd outside Darboe's residence began interfering with traffic and damaging passing vehicles, police moved to disperse the protesters with tear gas. After compelling the crowd to leave the area, riot police continued to deploy tear gas against fleeing protesters, then returned to the area outside Darboe's residence to deploy more tear gas. UDP representatives claimed the crowd outside Darboe's residence had already dispersed when police returned; authorities stated

additional tear gas was necessary to disperse an unlawful assembly. Independent observers asserted police use of tear gas at Darboe's residence was excessive and called for police to hold accountable those who deployed the additional tear gas.

In January 2020 police arrested 137 demonstrators during a violent protest by the Three Years Jotna Movement. Protesters called for the president to honor his commitment to step down after three years, and other protesters affiliated with the movement called for the president to be forcibly removed from office. Police used tear gas against stone-throwing protesters, and some protesters and police sustained serious injuries. Police charged protest organizers with unlawful assembly and rioting. In February 2020 authorities released the organizers on bail. On February 10, the High Court dismissed the case against them after authorities withdrew the charges. Police re-arrested the group when they left the court building, purportedly based on new information. Ministry of Justice officials subsequently dropped a second set of charges.

c. Freedom of Religion

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

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

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

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations in providing protection and assistance

to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR did not have an office in the country but covered refugee matters from its mission in Senegal and through a partnership with the NGO The Gambia Food and Nutrition Association. Some refugees found it challenging to acquire civil documentation, leaving them at risk of statelessness.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: President Adama Barrow won reelection in December with 53 percent of the vote. International and domestic observers agreed the process was peaceful, free, fair, and conducted without intimidation, although with widespread but minor administrative problems. Some voters waited up to four hours at busier polling stations; 89 percent of registered voters participated.

Before the Independent Electoral Commission (IEC) released the final results on December 5, Ousainou Darboe, Independent candidate Essa Faal, National Unity Party candidate Abdoulie Jammeh, and Gambia Democratic Congress (GDC) candidate Mama Kandeh released a joint statement calling in question the results, citing a delay in announcing the results. Following the IEC's announcement Barrow had won, Faal and Jammeh conceded. Kandeh, who had aligned himself with former president Yahya Jammeh, and Darboe did not concede.

On December 14, the UDP filed a complaint in the Supreme Court seeking nullification of the election, arguing that election officials improperly registered noncitizens, that voters presented falsified registration cards, and that President Barrow improperly influenced voters by promising compensation to village chiefs and by launching infrastructure projects in the weeks prior to the election. The Supreme Court dismissed the case on procedural grounds.

The country held legislative elections in 2017 that were described by domestic and international observers as mostly free and fair. GDC leader Mama Kandeh rejected the results, claiming to have evidence that would expose the unfairness of the entire process. Kandeh, however, did not provide any evidence to substantiate his claim.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Data showed more women than men registered to vote in the presidential election. While there were more voting age women than men, there was also a strong spirit of electoral participation among women. Despite this, cultural constraints limited women’s participation in the political process. Men greatly outnumbered women in the cabinet. Only five women held seats in the 58-member National Assembly.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: A culture of corruption persisted among government officials, including many former officials of the Jammeh government who remained in government positions, as well as officials elected and appointed since 2017. Small-scale corruption remained the norm. Citizens reported frequent demands for bribes in exchange for smoothing regulatory hurdles, accessing port facilities, and obtaining government services. Police corruption remained a daily problem, since officers routinely pulled over vehicles and fabricated infractions, or demanded money to let drivers go. A July Afrobarometer survey showed citizens perceived corruption as an increasingly serious problem. Six in 10 respondents said corruption had increased “somewhat” or “a lot” since 2020. Three-quarters of respondents said the government was not doing enough to combat the problem. Only half believed they could report corruption to authorities without fear of retaliation.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. The law requires NGOs to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO, including international NGOs, to operate in the country.

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

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

The Truth, Reconciliation, and Reparation Commission's report, published on December 24, provided detailed accounts of the Jammeh government's wrongdoings, highlighted witness testimony describing the harms caused by the former government, and proposed recommendations to hold alleged perpetrators accountable. The comprehensive and specific document also acknowledged the obstacles facing efforts to obtain both accountability and reconciliation. Observers generally considered the TRRC to be independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape without reference to gender and criminalizes domestic violence. The penalty for rape is life imprisonment. The maximum penalty for attempted rape is seven years' imprisonment. Spousal and intimate partner rape, which are not illegal, was reportedly widespread, although there were no recent studies or reports; police officers generally considered it a domestic matter outside of their jurisdiction. Rape and domestic violence were widespread problems that often went unreported due to survivors' fear of reprisal, unequal power relationships, stigma, discrimination, and pressure from family and friends not to report abuses. The penalty for domestic violence is two years' imprisonment, a substantial monetary fine, or both.

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

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

NGOs, including The Gambia Committee on Traditional Practices Affecting the Health of Women and Children, Wassu Gambia Kafo, Safe Hands for Girls, and Think Young Women, were at the forefront of combatting FGM/C in the country.

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

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

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

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

According to the World Health Organization (WHO), the country's maternal mortality rate in 2020 was 597 per 100,000 live births. The WHO identified hemorrhage, anemia, early pregnancy, and obstructed labor as the main causes of maternal mortality. FGM/C negatively impacted reproductive and maternal morbidity (see the Female Genital Mutilation/Cutting subsection for additional information).

According to UN Population Fund data from 2020, 41 percent of married or in-union girls and women ages 15 to 49 made their own decisions regarding sexual and reproductive health, including decisions regarding their health care, the use of contraception, and whether to have sex. According to UNICEF, a skilled health-care professional attended 88 percent of births in 2020.

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

Systemic Racial or Ethnic Violence and Discrimination

In addition to providing equality before the law and prohibiting discrimination, additional provisions in the law prohibit specific types of racial and ethnic discrimination. Political candidates are forbidden from stoking tribal or ethnic tensions. The government evenly and effectively administered these laws.

Children

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

Education: The constitution and law mandate compulsory, tuition-free primary- and lower-secondary-level education. Families often must pay fees for books, uniforms, lunches, school fund contributions, and examination fees. An estimated 75 percent of primary school-age children enrolled in primary schools. Girls comprised approximately one-half of primary school students but only one-third of high school students.

Child, Early, and Forced Marriage: By law children younger than age 18 may not marry. According to UNICEF, however, 34.2 percent of girls younger than 18 were married, and 9.5 percent younger than 15. Although government campaigns in several areas of the country, particularly in remote villages, sought to create awareness of the law, there were no reports of the government enforcing it.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child->

[Abduction/for-providers/legal-reports-and-data/reported-cases.html](https://www.state.gov/abduction-for-providers/legal-reports-and-data/reported-cases.html).

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

There were three schools for students with visual, hearing, or learning disabilities. Students with physical disabilities may attend mainstream schools, but there were no programs or facilities to address specific needs. Children with disabilities attended school through secondary education at a lower rate than other children.

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

HIV and AIDS Social Stigma

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct between adults by punishing acts “against the order of nature” and acts of “gross indecency.” The law also punishes “aggravated homosexuality.” The government did not actively enforce these laws.

Citing more “pressing” priorities, the president in 2018 dismissed homosexuality as a nonissue in the country.

The law does not address discrimination against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons regarding essential goods and services such as housing, employment, and access to government services, including health care. There was strong societal discrimination against LGBTQI+ persons.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers, except for civil servants, domestic workers, court officers and certain other categories of workers, are free to form and join independent unions, bargain collectively, and conduct legal strikes. A broad range of essential service employees, including in the military, police, health, ambulance, prison, water and electricity services, and radio and telecommunication services sectors, are prohibited from forming unions or going on strike. Additionally, the law authorizes the minister responsible for labor matters to exclude any other category of workers from the protection of the law. Police and military personnel

have access to a complaints unit, and civil servants can bring workplace complaints to the public service commission or the government's personnel management office. Unions must register to be recognized. The law requires a minimum membership of 50 workers for the registration of a trade union, a threshold few workplaces could meet.

The law also provides that the registrar of unions must give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). An employer may apply for a court injunction to prohibit industrial action deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating strikes. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the law provides for reinstatement of workers fired for union activity.

The government did not consistently enforce the law; however, there were no official reports of persistent abuses of workers' right to join a union. Inspections and remediation were inadequate. Penalties were commensurate with those for similar offenses but were rarely applied. Administrative and judicial procedures were subject to lengthy delays and appeals.

Although trade unions were small and fragmented, collective bargaining did happen. Union members negotiated without government interference but often lacked experience, organization, and professionalism and turned to the government for assistance. The Department of Labor registers most collective agreements, which remain valid for three years and are renewable.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, including by children. The government did not effectively enforce the law. The penalties for forced labor were commensurate with those for other serious crimes but were seldom applied. Inspection and training for inspectors were inadequate. The law does not offer protection to domestic laborers, leaving them vulnerable to

exploitation.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all the worst forms of child labor. The constitution prohibits economic exploitation of children younger than age 16, and regulations prohibit children younger than age 18 from engaging in exploitive labor or hazardous employment, including mining and quarrying, going to sea, carrying heavy loads, operating heavy machinery, and working in establishments serving alcohol. The law sets the minimum age at 16 for light work but allows children as young as age 12 to apprentice in the informal sector.

The Department of Labor is responsible for enforcing child labor laws and conventions on the worst forms of child labor, but it did not effectively enforce the law. The penalties for abuses of child labor laws were commensurate with those for similar serious crimes but were seldom applied. Enforcement inspections were halted for most of the year due to COVID-19 restrictions. When they took place, no one was prosecuted.

Child labor occurred primarily in the informal sector. Rising school fees combined with stagnating incomes prevented some families from sending their children to school, which could result in the child entering the workforce prematurely. Additionally, the compulsory nine years of school resulted in children finishing at age 14. In urban areas some children worked as street vendors, domestic laborers, or taxi and bus assistants. There were instances of children begging on the streets, including cases of forced begging. Children between ages 14 and 17 also worked in carpentry, masonry, plumbing, tailoring, and auto repair. Children in rural areas

worked on family farms, often under hazardous conditions.

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

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits employment and occupation discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, disability, sex, property, or birth. The law does not specifically prohibit discrimination based on HIV and AIDS status, sexual orientation, or gender identity but prohibits discrimination based on other status. The government enforced the law inconsistently, applying it in the formal sector but not in the large informal sector. Penalties were commensurate with those for other similar violations but were seldom applied.

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

The government did not report any cases of discriminatory practices with respect to employment or occupation. The International Labor Organization attributed this to poor structures for collecting information, noting that the wage gap between women and men in the country was 65 percent. Persons with disabilities and LGBTQI+ persons experienced discrimination in employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: Minimum wages and working hours are established by law through six joint industrial councils: commerce, artisans, transport, port operations, agriculture, and fisheries. Only 20 percent of workers are covered by minimum wage laws, and almost 50 percent of the population lived below the national poverty line. Individuals often shared earnings and resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. The government's workweek consists of four eight-hour workdays Monday through Thursday and a four-hour workday on Friday. The private sector typically operates from Monday through Saturday. Regulations mandate a 30-minute lunch break and entitle workers to a minimum of 14 days of paid leave after one year of service. Overtime pay is calculated at time and a half per hour. There is no exception for foreign or migrant workers.

The Department of Labor is responsible for enforcing the minimum wage and hour regulations. The government did not enforce the law. Penalties were not commensurate with those for similar violations, and inspectors rarely issued penalties for wage and hour violations. Inspection and training were inadequate. Most workers were employed in the private sector or were self-employed, often in agriculture and other informal sectors, where labor law was seldom enforced.

Occupational Safety and Health: The law specifies appropriate safety equipment an employer must provide in designated occupations. The Department of Labor regulates factory health and safety, accident prevention, and dangerous trades, and is authorized to appoint inspectors to conduct unannounced inspections, identify unsafe conditions, and issue sanctions to enforce compliance. Workers may demand protective equipment and clothing for hazardous workplaces and have legal recourse for violations. The law does not prevent possible termination for workers who remove themselves from unsafe conditions. The law protects foreign workers employed by the government; it provides protection for privately employed foreigners only if they have valid work permits.

The government did not enforce the law and rarely applied penalties for occupational health and safety violations. The number of inspectors was insufficient to enforce compliance, and court cases were lengthy, expensive, and generally ineffective. Violations of health and safety standards were common in the service, construction, agricultural, and domestic labor sectors. According to Forbes' 2020 report, *The World's Most Dangerous Countries for Workers*, 64 percent of workers stated they had been injured on the job.

Informal Sector: The government did not apply labor laws in the large informal sector, which included two-thirds of workers, according to the United Nations

Development Program. Most informal sector employees were women. Violations of freedom of association, forced labor laws, and wage and safety laws were common. Working conditions were especially poor among domestic employees, who are often subject to extremely long hours for low pay in unsuitable conditions.