

# THE GAMBIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Gambia's constitution enumerates a full range of provisions and assurances for a multiparty democratic republic. In 2016 Adama Barrow, the consensus candidate of a coalition of seven opposition political parties, defeated incumbent president Yahya Jammeh in what international observers deemed a peaceful and credible election. Barrow was initially sworn into office in January 2017 in Dakar, Senegal, during a six-week political impasse when Jammeh refused to cede power. President Barrow was sworn into office again in the Gambia the following month after a peaceful regional and international intervention, led by Economic Community of West African States (ECOWAS) member countries, resulted in the former president departing for exile. In the 2017 parliamentary elections, the United Democratic Party won 31 of the 53 seats contested. International and domestic observers considered these elections to be free and fair.

The Gambia Police Force maintains internal security and reports to the minister of interior. The Gambia Armed Forces (GAF) consist of four branches: the Gambia National Army, the Gambia Navy, the Republican National Guard, and the Gambia Air Force. The GAF's principal responsibilities are to defend the territorial integrity of the country, to aid civil authorities in emergencies, and to provide natural disaster relief assistance in agriculture, engineering, health and education. The chief of the defense staff administers the GAF and reports through the minister of defense to the president as commander in chief. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: harsh and potentially life-threatening prison conditions; lack of accountability in cases involving violence against girls and women, including rape and widespread female genital mutilation/cutting (FGM/C); trafficking in persons; and criminalization of consensual same-sex sexual conduct between adults, although the law was not enforced.

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

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

**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 during the year.

Families of individuals detained during the Jammeh regime continued to demand information on their missing relatives. In July and August, the general location of the remains of U.S.-Gambian dual nationals Alhagie Ceesay and Ebrima Jobe who were kidnapped by government agents in 2013 was revealed during public testimony by members of former president Jammeh's "Junglers" hit squad at the Truth, Reconciliation and Reparation Commission (TRRC). According to the testimonies, Ceesay and Jobe are buried at the former president's expansive farm near Kanilai. The government officially requested international forensics assistance to locate and identify the remains.

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

The constitution and the law prohibit such practices, and there were no reports government officials employed them during the year. In 2018 the United Nations reported it received one allegation of sexual exploitation (exploitative relationship) and abuse against a Gambian police peacekeeper deployed with the UN Mission in Liberia. The incident in question dated from 2013-15. The case was pending receipt of additional information from Gambian authorities at year's end.

**Prison and Detention Center Conditions**

Physical Conditions: Gross overcrowding was a problem, particularly in the remand wing of the state central prison, Mile 2 Prison in Banjul, where detainees were held pending trial. Although food quality and access to potable water, sanitation, ventilation, lighting, and medical care reportedly improved during the year, they remained inadequate. There were credible reports teenagers as young as age 15 were held with adults in pretrial detention facilities.

Administration: Unlike in prior years, there were no credible allegations of mistreatment during the year.

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; there were no reports of arbitrary arrest during the year.

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

The law requires authorities to obtain a warrant before arresting a person, but police officers often arrested individuals without a warrant. Military decrees enacted prior to the adoption of the constitution in 1997 give the National Intelligence Agency and the interior minister broad powers to detain individuals indefinitely without charge “in the interest of national security.” Although these detention decrees are inconsistent with the constitution, they were not legally challenged. The government claimed it no longer enforced the decrees.

Periods of detention generally ranged from two to 72 hours, the legal limit after which authorities are required by law to charge or release detainees; however, there were numerous instances of detentions exceeding the 72-hour limit. There was a functioning bail system that generally required at least two sureties in addition to cash.

Officials in some cases did not allow detainees prompt access to a lawyer or family members, although officials generally allowed convicted prisoners to meet privately with an attorney. The judiciary provided lawyers at public expense only to indigent persons charged with capital crimes such as murder, for which a conviction includes the death penalty.

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. Many inmates in the remand wing of Mile 2 Prison awaited trial, in some instances for several years. According to the Gambia Prison Services approximately one half of the prison population was in 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 were presumed innocent until proven guilty. Officials did not always properly inform defendants of the charges against them. The law provides for a trial without undue delay; however, case backlog 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.

On May 3, the Gambia Bar Association and the National Agency for Legal Aid signed a memorandum of understanding to provide free legal services to prisoners. The service is to cover all defendants incarcerated in the country's three prisons and extended to include remand and juvenile inmates.

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

Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. District chiefs preside over local tribunals that administer customary law at the district level. Customary law recognizes the rights of all citizens regardless of age, gender, and religion.

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

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

The High Court hears civil and human rights cases. Individuals may also seek civil remedies for violations of human rights law through the Office of the Ombudsman that has the mandate to investigate such cases.

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, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, 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 the press.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

### **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 the government generally respected these rights.

### **Freedom of Peaceful Assembly**

By law the Gambia Police Force must grant a permit for all public meetings and gatherings. 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. Requests are generally approved unless there is concern regarding the peaceful nature of a proposed protest. Security forces lacked the capability to employ effective, nonviolent crowd-control techniques.

On July 24, residents of Brikama gathered to protest poor delivery of community services by the Brikama Area Council despite having been denied a legally required permit from police. In the days leading to the protest, police denied a permit to hold the protest on “public safety” grounds and attempted to dissuade residents from holding it. According to media reports, the protest began with a “few dozen” individuals gathered near the Brikama main market that police attempted to disperse by firing tear gas rounds. In response the number of protesters increased, and protesters began throwing stones at police and started a fire in the market. Several protesters and police were injured. Several protesters were arrested but released on bail; all charges were subsequently dropped. The ECOWAS military intervention unit was eventually deployed to protect key infrastructure in Brikama from further attacks.

## **c. Freedom of Religion**

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

## **d. Freedom of Movement**

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. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Access to Asylum: The law provides for granting refugee status. The Gambia Commission for Refugees worked with the Office of the UN High Commissioner for Refugees on protection of refugees.

#### **g. Stateless Persons**

Not applicable.

### **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: The country held a presidential election in 2016, in which Adama Barrow, the candidate of an opposition coalition, defeated Yahya Jammeh, the incumbent. The election was largely peaceful and considered credible. The defeated incumbent initially accepted the results, before declaring them “null and void,” alleging irregularities in the process. This led to a six-week political impasse before Jammeh dropped his claims and went into exile in Equatorial Guinea, bowing to regional and international pressure and the threat of military force from the ECOWAS, the member states of which had massed soldiers on the Gambia’s borders.

The country also held legislative elections in 2017 that were described by domestic and international observers as mostly free and fair. Mama Kandeh, leader of the Gambia Democratic Congress, 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 Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Evidence suggested cultural constraints limited women's participation in the political process; men greatly outnumbered women in the cabinet and parliament.

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

The law provides criminal penalties for corruption by government officials, and the government generally implemented the law; however, in prior years officials sometimes engaged in corrupt practices with impunity.

Corruption: There were no reports of high-level official corruption during the year.

In 2017 the Barrow administration set up a commission of inquiry to probe the financial dealings of former president Jammeh. On March 29, the commission presented its final report to the president, and on September 13, it was released to the public. Its findings revealed a "disproportionate amount of resources was wasted, misappropriated and diverted by former president Jammeh amounting to at least D1.06 billion dalasi (\$304 million) and as a consequence (Jammeh) should be charged with theft, economic crimes and corruption." Based on report findings, the government seized businesses, real property and other assets from Jammeh and some of his associates. Additionally, some former officials are barred from holding public office for specified periods up to lifetime.

Financial Disclosure: The law requires income and asset disclosure statements from both appointed and elected public officials; however, it does not stipulate sanctions for noncompliance. No government agency is mandated to monitor and verify financial disclosures. Declarations are not released to the public.

#### **Section 5. Governmental Attitude Regarding 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. Among these were the #Jammeh2Justice campaign to have the Ghanaian and Gambian governments try former president Jammeh for the 2005 killings of irregular migrants--among them 44 Ghanaians--and the Victims Center that supports the TRRC and assists victims of Jammeh-era human rights abuses.



Government officials were usually cooperative and responsive to issues raised by human rights groups during the year. Despite the Barrow administration's 2017 pledge to create a more conducive environment for NGOs, the law continues to require NGOs to register with the National Advisory Council. It provides the council with the authority to deny, suspend, or cancel the right of any NGO (including international NGOs) to operate in the country. The council did not take actions against any NGO during the year.

Government Human Rights Bodies: The Office of the Ombudsman operates a National Human Rights Unit (NHRU) with a mandate of promoting and protecting human rights and supporting vulnerable groups. The office has unrestricted access to all places of detention, including prisons and police stations. During the year the NHRU addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention.

In 2017 the TRRC was established to address human rights abuses during the 22-year rule (1994-2016) of former president Jammeh. During the year the TRRC conducted hearings at which more than 100 witnesses testified to multiple instances of human rights abuses by the Jammeh government, including killings, torture, arbitrary detention, sexual violence, and forced disappearances. Witnesses included members of the Junglers hit squad who admitted to committing gross human rights abuses.

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

The constitution and law provide for equality of all persons; no person shall be treated in a discriminatory manner because of race, color, gender, language, religion, political or other opinion, national or social origin, property, birth, or other status. Legal provisions against discrimination do not apply to adoption, marriage, divorce, burial, and inheritance of property. The law prohibits discrimination in employment, access to credit, owning and managing a business, or in housing or education.

There were no reports the government failed to enforce the law.

### **Women**

Rape and Domestic Violence: The law criminalizes the rape of individuals--without reference to gender--and domestic violence. The penalty for conviction of

rape is life imprisonment. The maximum penalty for conviction of attempted rape is seven years' imprisonment. Spousal rape was widespread and not illegal; police generally considered it a domestic issue outside its jurisdiction. Rape and domestic violence were widespread problems that often went unreported due to victims' fear of reprisal, unequal power relationships, stigma, discrimination, and pressure from family and friends not to report abuses. Conviction of domestic violence carries a fine of up to 50,000 dalasi (D) (\$998), two years' imprisonment, or both.

On July 4, women marched under the social media hashtag #IamToufah as part of the country's #MeToo movement to demonstrate solidarity with Fatou Toufah Jallow--a young woman who went public with sexual assault and rape allegations against former president Jammeh--and to raise public awareness of the prevalence of sexual violence in Gambian society. In October Jallow was among several women who testified at the TRRC regarding Jammeh-era sexual abuse and gender-based violence.

Female Genital Mutilation/Cutting (FGM/C): The law bans FGM/C of girls and women. The law stipulates not more than three years' imprisonment, a fine of D50,000 (\$998), or both, for anyone convicted of circumcision of a female child; if the child dies, the penalty for conviction is life imprisonment. Failure to report the practice may lead to a fine of D10,000 (\$197).

FGM/C is a deeply rooted practice in society. FGM/C cases are very seldom reported, either because individuals do not agree with the law or because they are uncomfortable reporting family or community members engaged in the practice to authorities. According to NGOs 76 percent of girls and women between ages 15 and 49 had been subjected to FGM/C. 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.

Following the departure of former president Jammeh, rumors circulated the law banning FGM/C would no longer be enforced. Authorities responded the ban remained in effect; however, no FGM/C arrests were made during the year. For additional information, see Appendix C.

Sexual Harassment: The law prohibits sexual harassment and conviction provides for a one-year mandatory prison sentence. Sexual harassment was prevalent but not commonly reported due to discrimination, social stigma, and unwillingness to challenge the offenders due to unequal power relationships and fear of reprisal.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: The constitution and law provide for equality of all persons, including with regard to race, color, 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, or in housing or education. Nevertheless, the law does not provide for the same legal status and rights for women regarding adoption, marriage, divorce, burial, and inheritance of property. During the year there were no reports the government failed to enforce the law effectively.

## **Children**

Birth Registration: Children derive citizenship by birth in the country's territory or through either parent. Not all parents registered births, but this did not preclude their children from receiving public health services. Birth certificates were easily obtained in most cases. For additional information, see Appendix C.

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 constituted approximately one half of primary school students but only one-third of high school students.

Early and Forced Marriage: By law children younger than age 18 may not marry; however, 34.2 percent of girls younger than 18 were married, and 9.5 percent younger than 15 were married. Government sensitization campaigns in several areas of the country, particularly in remote villages, sought to create awareness of the act. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalties for conviction of sex trafficking are 50 years' to life imprisonment and a fine of between 50,000 and 500,000 dalasi (\$9981-\$9,980). The law provides for 10 to 14 years' imprisonment for conviction of commercial sexual exploitation of children, depending on the type of offense, and 10 years' imprisonment for conviction of procurement of a child for prostitution. The Tourism Offences Act 2007 provides for a sentence for conviction of involvement in child pornography

of five years' imprisonment. Local NGOs stated criminals exploited children in commercial sex in brothels and in remote guesthouses and motels frequented by tourists. Authorities instructed security officers at resort areas to turn away minors suspected of solicitation. NGOs attributed many of the difficulties in reporting and prosecuting sexual abuse on a national culture of secrecy regarding intimate family issues and a penchant for resolution of problems outside of the formal system.

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

### **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**

The constitution prohibits discrimination against or exploitation of persons with disabilities, although it does not stipulate the kinds of disabilities protected, particularly as regards access to health services, education, and employment. There is no explicit legal provision that requires access to transportation, nor any requirement to provide for access to buildings for persons with disabilities. No law or program provides for persons with disabilities to have access to information or communications.

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

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

By law “aggravated homosexuality” is a crime for which conviction is punishable by life imprisonment. It includes serial offenders or persons with a previous conviction for homosexual activity, persons having same-sex relations with someone younger than age 18 or with members of other vulnerable groups, or a person with HIV having same-sex relations.

Citing more pressing priorities, the president dismissed homosexuality as a nonissue in the country. In July 2018 the country’s delegation to the UN Human Rights Council stated the government did not plan to reverse or change the law. The law, however, was not enforced.

There was strong societal discrimination against lesbian, gay, bisexual, transgender, and intersex individuals.

### **HIV and AIDS Social Stigma**

Although there were no reports to authorities of HIV-related stigma and discrimination in employment, housing, or access to education or health care, it existed. Societal discrimination against persons infected with HIV/AIDS and fear of rejection by partners and relatives sometimes hindered identification and treatment of persons with the disease. The government’s multisectoral national strategic plan provides for care, treatment, and support for persons with or affected by HIV/AIDS. The plan includes HIV-prevention programs for high-risk populations.

## **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, and certain other categories of workers excluded from the protection of the law, 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.

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 may examine without cause the financial accounts of workers' associations.

The law restricts the right to strike by requiring unions to give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). Police and military personnel had access to a complaints unit, and civil servants could take their complaints to the public service commission or the government's personnel management office. An employer may apply 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 law also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership.

The government did not effectively enforce the law and there were persistent abuses of freedom of association. Resources, inspections, and remediation were inadequate. Penalties did not serve as a deterrent, because they were rarely applied.

Although trade unions were small and fragmented, collective bargaining took place. Union members were able to negotiate without government interference; however, they lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. The Department of Labor registered most collective agreements, which remained valid for three years and were renewable.

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

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

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

The law sets forth general employment protections, including contractual rights, freedom of association, the right to collective bargaining, and disciplinary procedures in the workplace, among other important labor regulations. Domestic laborers were not protected under the national labor law, however, which rendered them vulnerable to exploitation. Penalties were insufficient to deter violations.

According to the International Labor Organization, the right of public service employees to quit is unclear, making it possible they could be forced to work. In addition military service members may be compelled to undertake work that is not purely military in character, including in agriculture, engineering, health, and education. Women and children were subjected to human trafficking primarily for domestic labor and commercial sexual exploitation.

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 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 and at 12 for apprenticeship in the informal sector.

The penalties for conviction of child labor law violations are not sufficient to deter violations. 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 do so. The government took no action to prevent or combat child labor during the year. The labor commissioner registered employee labor cards, which include a person's age; the law authorizes the commissioner to enforce child labor laws. Enforcement inspections rarely took place and when they took place, no one was prosecuted.

Child labor in the informal sector was largely unregulated. Rising school fees combined with stagnating incomes prevented some families from sending their children to school, contributing to the vulnerability of children to child labor. Additionally, many children completed nine years of compulsory schooling at age 14, rendering them vulnerable to child labor. In urban areas some children worked as street vendors, domestic laborers, or taxi and bus assistants. There were a few

instances of children begging on the 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.

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 discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, disability, sex, property, birth, or other status. The law defines the criteria that prohibit discrimination with respect to employment and occupation, and the government effectively enforced the law in the formal sector. Penalties were sufficient to deter violations.

Employment in the formal sector was open to women at the same salary rates as men, and no statutory discrimination existed in other kinds of employment; however, societal discrimination lingered, and women generally worked in such low-wage pursuits as food vending and subsistence farming. The law also prohibits discrimination in private companies certified by the Department of Labor.

There were no official reports of discriminatory practices with respect to employment or occupation. The International Labor Organization reported the government generally supported elimination of employment discrimination.

#### **e. Acceptable Conditions of Work**

Collective bargaining, arbitration, or agreements reached between unions and management determined union members' wages, which generally exceeded legal minimums. The minimum wage was less than the World Bank's international poverty line, although it was above the government's national poverty baseline. Employers paid most workers above the minimum wage. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing the minimum wage; however, the government did not effectively enforce the law and penalties for violations were insufficient and rarely enforced. Most workers were employed in the private sector or were self-employed, often in agriculture where labor laws were not enforced.



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. Regulations entitle government employees to one month of paid annual leave after one year of service. The government does not pay most government employees overtime compensation. Government workers holding temporary positions and private-sector workers, however, receive overtime pay calculated at time and a half per hour. There is no exception for foreign or migrant workers.

The law specifies appropriate safety equipment an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to provide for compliance with occupational safety and health (OSH) standards. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department for violations of OSH standards. The law protects foreign workers employed by the government; however, it provides protection for privately employed foreigners only if they have a valid work permit.

The government did not effectively enforce the law. Penalties were seldom applied and did not deter violations particularly in the construction sector. Court remedies were lengthy, expensive, and generally ineffective. The number of labor inspectors was insufficient to enforce compliance. Wage and safety standards were not enforced in the informal sector, which included most workers.