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USDOS – US Department of State

2016 Report on International Religious Freedom - The Gambia

Executive Summary

The constitution provides every person the right to practice any religion, as long as doing so does not impinge on the rights of others or on the national interest. The constitution prohibits religious discrimination, the establishment of a state religion, and religiously-based political parties. On July 25, President Yahya Jammeh stated, “The Gambia will become a truly Islamic country, and the constitution shall be the Quran.” In December 2015 President Jammeh had declared the country to be an Islamic state, a measure which opposition parties and others continued to oppose. Approximately 12 Christian youth were arrested in June following a statement by the inspector general on June 7 that music, drumming, and dancing would not be tolerated during Ramadan. The individuals were released 24 hours later. Three imams who were arrested without explanation by the National Intelligence Agency in October 2015 remained in detention at the end of the year despite a court order for the release of one of the imams – Alhagie Ousman Sawaneh. The Supreme Islamic Council (SIC), a government-sponsored religious council tasked with providing Islamic religious guidance but with no legal mandate to regulate religious groups, continued to ban the Ahmadi Muslim community from airing religious programs on the government-owned Gambia Radio and TV Station (GRTS), and on all public and private radio stations. On January 4, President Jammeh issued an executive decree requiring female government employees to wear headscarves to work, but the decree was revoked a week later after much attention and some criticism from international media and opposition parties.

There was some evidence of growing intolerance between the Tablighi and Sufi Muslim communities which sources said was due to a divergence of opinions on Islamic schools of thought. The Tablighi stated that they were frequently condemned by some Sufi Muslims and labeled as “extremists” or “fundamentalists” by the Sufis. Some Sufi Muslims refused to send their children to Islamic schools where teachers were known to be affiliated with Tablighi practices. Some Muslims who sought to convert to Christianity in connection with marriage reported hostility from Muslim neighbors and family members. The Interfaith Group for Dialogue and Peace, composed of representatives from the Muslim, Christian, and Bahai communities, met regularly to discuss matters of mutual concern, such as religious freedom and the need for peaceful coexistence.

The U.S. embassy discussed the need to maintain religious tolerance with ministers of government, regional governors, and members of the National Assembly. On June 24, the U.S. embassy hosted an iftar during which the Ambassador encouraged participants, representing Muslims, Christians, Eckankars, and Bahais, to maintain religious tolerance and to consider the critical importance of religious freedom to the development of peaceful communities. The Ambassador urged religious leaders and their congregations to continue their interfaith dialogue and to maintain the country's tradition of religious tolerance. Embassy officials met representatives of the SIC, the Ahmadi Muslim Jama'at, individual regional Muslim mosques, and leaders of the Catholic, Bahai, and Methodist missions during a countrywide tour and discussed various religious issues, including the possible application of sharia on all residents of the country.

Section I. Religious Demography

The U.S. government estimates the total population at 2.0 million (July 2016 estimate). According to U.S. government estimates from 2013, over 95 percent of the population is Muslim, most of whom are Sunni. Other Muslim communities include Tablighi, Malikite, Qadiriya, and Sufism/Tijaniya. There are also small numbers of Ahmadi and Ndigal Muslims.

The Christian community, situated mostly in the west and south of the country, is 4.2 percent of the population (U.S. government 2013 estimate). Most Christians are Roman Catholic, but there are several Protestant groups including Anglicans, Methodists, Baptists, Seventh-day Adventists, and various evangelical denominations. Approximately 1 percent of the population practices indigenous animist religious beliefs, and many Muslims and Christians maintain some traditional spiritual practices as well. Other groups accounting for less than 1 percent of the population include Bahais, Hindus, who are mainly South Asian immigrants and business persons, and Eckankar members.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states that “every person shall have the freedom to practice any religion and to manifest such practice,” as long as doing so does not impinge on the rights of others or on the national interest. The constitution prohibits religious discrimination, the establishment of a state religion, and religiously-based political parties.

The constitution establishes *qadi* courts, with Muslim judges trained in the Islamic legal tradition. The *qadi* courts are located in each of the country's seven regions and apply sharia. Their jurisdiction applies only to marriage, divorce, custody over children, and inheritance questions for Muslims. Sharia also applies to interfaith couples where there

is one Muslim spouse. Non-*qadi* district tribunals, which deal with issues under customary and traditional law, apply sharia, if relevant, when presiding over cases involving Muslims. A five-member *qadi* panel has purview over appeals regarding decisions of the *qadi* courts and non-*qadi* district tribunals relating to sharia. Muslims also have access to civil courts. Non-Muslims are not subject to *qadi* courts.

There are no formal guidelines for registration of religious groups, but faith-based groups that operate as nongovernmental organizations (NGOs) must meet the same eligibility criteria as other NGOs. All NGOs are required to register with the NGO Affairs Agency according to the law, and must register as charities at the Attorney General's chambers under the Companies Act. They are required to have governing boards of directors of at least seven members responsible for policy and major administrative decisions including internal control. The NGO decree requires all NGOs to submit to the NGO Affairs Agency a detailed annual work program and budget, a detailed annual report highlighting progress on activities undertaken during the year, work plans for the following year, and financial statements audited by NGO Affairs Agency-approved auditors. The government has stated the submissions help the NGO Affairs Agency monitor the activities of the respective NGOs.

The law requires all public and private schools throughout the country to include basic Muslim or Christian instruction in their curricula. Students may not opt out of these classes. The government provides religious education teachers to schools that cannot recruit such teachers.

The constitution bans political parties organized on a religious basis.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

On June 12, authorities arrested approximately 12 Christian youths in Kuloro village in West Coast Region for singing and dancing during Ramadan, according to Christians living in the area. On June 7, the inspector general of police stated “all ceremonies, festivities, and programs that involve drumming, music, and dance during the day or at night [during Ramadan] are prohibited.” The youths were released after 24 hours in detention.

On March 21, the family of Imam Alhagie Ousman Sawaneh of Kanifing South Mosque sued the government requesting his release nearly six months after his arrest from his home in Kanifing. Sawaneh, along with two other imams, was arrested without explanation by the National Intelligence Agency in October 2015. Following two court proceedings, at which the state failed to appear, Justice Basiru Mahoney ordered the release of the imam in March. Sawaneh, however, was not released as of year's end; the other two imams also remained in detention. Requests for an explanation from the SIC concerning the arrests went unanswered; the SIC stated it had no knowledge of the

arrests or detentions. Advocates for the three individuals said that the constitution states that no accused should be held without charge in excess of 72 hours. Residents of Central River Region stated the imams were members of a new rice farmers association that was perceived by the government to be unsupportive of the ruling party.

During a July 25 International Award for Quran Memorization Competition hosted by President Jammeh, he stated, “The Gambia will be a truly Islamic country, and the constitution shall be the Quran.” Leaders of Christian organizations said this declaration, following Jammeh’s December 11, 2015, presidential announcement declaring The Gambia an Islamic state, raised concerns that the president would apply sharia in all facets of society. Observers noted, however, that this would require the parliament to pass legislation to change the constitution.

On February 3, the SIC, a government-sponsored religious advisory body tasked with providing Islamic religious guidance but with no legal mandate to regulate religious groups, stated it was in charge of religious affairs in the country and that it contributed to the maintenance of peace and order by screening and certifying all Islamic scholars who wished to propagate the Islamic faith through local media to ensure that scholars preach in accordance with acceptable principles of Islam. In September 2015 the SIC had banned the Ahmadi Muslim community from airing religious programs on the government-owned GRTS and on all public and private radio stations. The Ahmadi community remained banned from the airwaves at the end of the year.

On January 4, the president issued an executive decree requiring female government employees to wear headscarves to work. According to media sources, the memorandum was delivered to all ministries and departments. The president’s decree received attention from international media and opposition parties. On January 13, GRTS announced the directive was lifted and female employees did not have to cover their hair.

Leaders of the Gambia Christian Council (GCC) said that while they remained concerned, they had not seen any actions suggesting an impending imposition of sharia and stated they were hopeful that no changes would occur. Local media reported the GCC sought clarity from the government that the declaration would not adversely affect the practice of their faith, but did not receive the desired reassurances. The GCC reportedly received a letter from the Office of the President on January 11 that indicated the government’s commitment to maintain peace and freedom of religious practice.

On February 9, the Knights of Saints Peter and Paul issued a press release on the president’s Islamic state declaration. The press release stated that an Islamic state would bring no benefit to Christians and doubted it would bring any to their “Muslim brothers and sisters.” It stated that the declaration was an unwelcome development that emphasized the differences between Gambians, rather than the things that bind

them together, and concluded that it had the potential to “tear us grievously apart.” The Knights of Saints Peter and Paul is a society open to all Catholic men with a membership of 53 at year’s end.

The Bahai National Spiritual Assembly said the president’s statements had not affected its relations with the government and the council did not anticipate problems arising from the declaration.

Section III. Status of Societal Respect for Religious Freedom

Observers stated there was some evidence of growing intolerance between the Tablighi and Sufi communities due to a divergence of opinions on Islamic schools of thought. The Tablighi stated that they were frequently condemned by some Sufi Muslims and labeled as “extremists” or “fundamentalists” by the Sufis. Reportedly, Sufi Muslims sometimes used their mosques as platforms to attack Tablighi communities. Some Sufi Muslims refused to send their children to Islamic schools where teachers were known to be affiliated with Tablighi practices.

The Interfaith Group for Dialogue and Peace met less often than it had in previous years. The occasional meetings were held to discuss matters of mutual concern and encouraged tolerance, religious freedom, and peaceful coexistence among people of diverse faiths.

The Catholic Mission oversaw approximately 83 schools at various levels including nursery, lower basic, and upper basic. The mission said a majority of the students enrolled in its schools were from the Muslim community.

The Catholic Mission continued to express concern about the level of Christian representation in the government, noting there was only one Christian, Benjamin A. Roberts, the Minister of Tourism and Culture, in the 22-member cabinet.

In a prayer meeting on March 5, the GCC expressed satisfaction with the existing cordial relationship between Christians and Muslims, based on mutual understanding and respect for different religious persuasions.

Intermarriage between Muslims and Christians was common. As in previous years, there was anecdotal evidence from Christian minorities that Muslims converting to Christianity in connection with marriage sometimes experienced hostility from Muslim neighbors and family members.

Section IV. U.S. Government Policy

The U.S. embassy discussed the need to maintain religious tolerance and the implications of President Jammeh’s declaration of an Islamic state with ministers of government, regional governors, and members of the National Assembly. In response to requests for information from the SIC concerning the 2015 arrests and continuing detentions of three Muslim imams, the SIC stated it had no knowledge of the arrests or detentions.

On June 24, the embassy hosted an iftar during which the Ambassador encouraged participants, representing Muslims, Christians, Eckankars, and Bahais, to continue to practice religious tolerance and to consider the critical importance of religious freedom to the development of peaceful communities.

The Ambassador visited mosques and churches, and met with religious leaders from faith-based NGOs during a nationwide tour from September 6 to November 10. The Ambassador met with the SIC, Ahmadi Muslims, Bahais, and officials of the Catholic and Methodist Missions. Among other issues, the Ambassador sought their views on the president’s Islamic state declaration and its likely impact on their communities. The Ambassador urged religious leaders and their congregations to continue their interfaith dialogue and to maintain the country’s tradition of religious tolerance.

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