

Freedom in the World 2021 - The Gambia

PARTLY FREE

46

/ 100

[Political Rights](#) 20 / 40

[Civil Liberties](#) 26 / 60

LAST YEAR'S SCORE & STATUS

46 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

The Gambia was ruled for over two decades by former president Yahya Jammeh, who consistently violated political rights and civil liberties. The 2016 election resulted in a surprise victory for opposition candidate Adama Barrow. Fundamental freedoms including the rights to free assembly, association, and expression initially improved thereafter, but the progress toward the consolidation of the rule of law is slow. The Barrow government has faced increasing criticism over corruption. LGBT+ individuals face severe discrimination and violence against women remains a serious problem.

Key Developments in 2020

- In January, authorities forcefully dispersed a Banjul demonstration against President Barrow's decision to remain in office beyond a three-year timetable. Authorities arrested 137 people including high-ranking members of the Three Years Jotna (Three Years Is Enough) pressure group; the group was banned that month and eight members received charges including rioting, which remained pending at year's end.
- In September, legislators rejected a draft constitution that would have introduced term limits for presidents.
- President Barrow imposed a COVID-19-related state of emergency in March, which expired in September. Public assemblies were restricted in March and a curfew was instituted in August, though most restrictions were rescinded or loosened by year's end. The authorities reported nearly 3,800 cases and 124 deaths to the World Health Organization at year's end.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? **2 / 4**

The president is directly elected to a five-year term and faces no term limits. International observers were not allowed into The Gambia ahead of the 2016 presidential election. The Independent Electoral Commission (IEC) nevertheless conducted an impartial vote count, and declared that Adama Barrow, the candidate of an opposition coalition, won.

President Jammeh initially conceded defeat, but reversed his position, and had not stepped down by the time Barrow was inaugurated in Senegal in early 2017. The Economic Community of West African States (ECOWAS) mobilized troops under a previous authorization to intervene militarily if a peaceful transfer of power did not begin by the last day of Jammeh's mandate. Within days of its deployment, Jammeh conceded defeat and left the country, allowing Barrow to take office.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair 3 / elections? 4

Of the 58 members of the unicameral National Assembly, 53 are elected by popular vote and the remainder are appointed by the president; members serve five-year terms. The 2017 parliamentary elections were transparent, peaceful, and neutrally managed. Weaknesses included low turnout, incomplete updating of the voter registry, and poor organization of vote-collation processes. Nevertheless, most polling stations operated on time and vote counting was transparent. The United Democratic Party (UDP), which had backed Barrow and had previously been in opposition, won 31 seats and an absolute majority.

The IEC delayed a legislative by-election scheduled for April 2020 to November because of the COVID-19 pandemic. The Barrow-led National People's Party (NPP) gained that seat. Local residents accused the NPP of buying votes and misusing government resources.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the 2 / relevant election management bodies? 4

The IEC adequately managed the 2017 National Assembly elections and 2018 local elections, but faces serious challenges. Election observers have called for improvements to voter registration processes, improved polling station conditions, standardized counting and collation processes, and the redrawing of election district boundaries.

In late 2019, the Constitutional Review Commission released a draft of a new constitution, which would have introduced term limits for presidents. However, the National Assembly did not adopt the draft in a September 2020 vote. Later that month, the government introduced a draft electoral bill that would eliminate a directly elected legislative seat, among other provisions. The varying sizes of legislative districts were not addressed in the bill, which remained under consideration at year's end.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other 2 / competitive political groupings of their choice, and is the system free of undue obstacles 4 to the rise and fall of these competing parties or groupings?

There were 16 political parties registered in The Gambia as of February 2020. To register a new party, organizers must pay a 1 million dalasi (\$19,000) registration fee and garner the signatures of 10,000 registered voters, with at least 1,000 from each of the country's regions. Parties centered on a particular religion, ethnicity, or region are banned. Parties are required to submit annual audits to the IEC.

Prior to the 2016 presidential election, Jammeh's Alliance for Patriotic Reorientation and Construction (APRC) had long dominated politics. The UDP subsequently became the dominant party before Barrow split from party leader Ousainou Darboe. In late 2019, the IEC approved the NPP's formation.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power 3 / through elections? 4

The UDP won a legislative majority in 2017, displacing the APRC. However, the UDP split from Barrow, who went on to launch the NPP, in late 2019. The UDP also expelled eight legislators for reportedly supporting Barrow's decision to serve a full term that November; Barrow was originally expected to step down by January 2020, in line with the timetable agreed by the coalition that backed him, but ultimately did not do so.

In November 2020, Barrow stated that he would consider bringing the NPP into an alliance with the APRC or the UDP ahead of the scheduled 2021 presidential election.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the 2 / political sphere, or by political forces that employ extrapolitical means? 4

While Gambians' political choices are freer from the undue dominance of unelected groups since Jammeh's 22-year rule ended, military forces and foreign powers remain influential in Gambian politics.

The ECOWAS Mission in The Gambia (ECOMIG) was originally scheduled to end in 2018, but its mandate has been repeatedly extended at the request of the Barrow government to facilitate security-sector reform, and due to ongoing concerns that pro-Jammeh loyalists in the military could cause political instability. Barrow most recently requested an extension of the ECOMIG mission in September 2020, which ECOWAS agreed to.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, 2 / and other relevant groups) have full political rights and electoral opportunities? 4

While political rights and electoral opportunities have improved, women remain underrepresented in politics. The National Assembly elected in 2017 included the first-ever woman speaker and parliamentarian living with disabilities; both were presidential appointees. Only five women held National Assembly seats in 2020.

There is concern that Gambian politics are being defined by ethnic divisions. Ethnic tensions escalated toward the end of the Jammeh regime, with the former president criticizing members of the plurality Mandinka ethnic group before leaving office. Members of the Jola ethnic group were subsequently perceived as supporting the APRC, while Mandinkas were perceived as supporting the UDP.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives 2 / determine the policies of the government? 4

Nonstate actors, armed forces, and foreign governments do not appear to enjoy preponderant influence over the Barrow government.

President Barrow imposed a COVID-19-related state of emergency in March 2020 and issued an executive order to extend it in May, after losing a legislative vote on the matter that month. The state of emergency ended in September.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

The Barrow government has undertaken limited initiatives to reduce corruption, which remains a serious problem. Allegations of corruption by officials at all levels of government are frequently lodged, and both state and semistate agencies face allegations of improperly funneling money to private citizens. While legislators adopted anticorruption legislation in 2019, an envisioned anticorruption commission has not yet been finalized.

In October 2020, news outlet Malagen reported that the Fisheries Ministry's permanent secretary, Bamba Banja, accepted bribes from Chinese fishing companies over a three-year period. Banja was suspended from his post, and a police investigation remained open as of December.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque. Government officials must make asset declarations to the ombudsman, but declarations are not open to public and media scrutiny. There are widespread allegations of corruption in public procurement. Key licensing processes, especially for industries reliant on natural resources, are not transparent.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The media environment has improved under the Barrow administration. More people are entering the profession, exiled journalists have returned to the country, and there has been a proliferation of private print, online, radio, and television outlets. In 2019, the government exempted print media from a levy that media groups argued was designed to restrict press freedom. Nevertheless, some restrictive media laws remain in effect, and some have been upheld by courts. Reports of harassment of journalists by police continue.

In January 2020, journalists Pa Modou Bojang and Gibbi Jallow were arrested along with two radio technicians, and radio stations Home Digital FM and King FM were shuttered for reporting on demonstrations against President Barrow's continued tenure in office. All four individuals were released from custody, though Bojang and Jallow received incitement charges.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public 2 / and private? 4

The Barrow government has maintained that The Gambia is a secular society in which all faiths can practice freely. In practice, non-Sunni Islamic groups experience discrimination. Ahmadiyya Muslims have been publicly denounced as non-Muslims by the quasigovernmental Supreme Islamic Council, and a 2015 fatwa by the council denied Ahmadiyya burial rights in Muslim ceremonies. The 2019 draft constitution, which did not attain legislative approval in 2020, omitted a reference to The Gambia as a secular country, prompting concern among civil society.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom was severely limited at the University of The Gambia under Jammeh. However, since Barrow took office, the environment for the free exchange of ideas among students and professors has improved, despite lingering challenges. Lecturers still face political pressure.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Gambians have more freedom to express political views under the Barrow administration. However, sedition laws remain on the books, which some analysts argued could be used to criminalize criticism of the government on social media. The government considered criminalizing statements deemed offensive or insulting to public officials in 2019, but refrained from officially proposing it after a leak of the draft language provoked public outcry.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but the Public Order Act (POA), which was used by Jammeh to restrict protests, remains in force. Under the POA, permits from the police inspector general are required for public assemblies.

Three Years Jotna, a pressure group that called for President Barrow to step down in line with his original three-year timetable, organized an approved January 2020 demonstration in Banjul. However, participants faced a violent response from the authorities after deviating from their original route, with security forces using tear gas and physically attacking demonstrators. The authorities arrested 137 people, including high-ranking Three Years Jotna members. The group itself was banned later in January and eight of its members received charges including rioting and unlawful assembly, which remained pending at year's end.

President Barrow imposed a COVID-19-related state of emergency in March 2020, banning public assemblies. Other social gatherings were banned in August. Most pandemic-related restrictions were rescinded or relaxed by year's end, however.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

There are a number of nongovernmental organizations (NGOs) in The Gambia focused on human rights and governance issues. NGO workers faced detention and other reprisals under Jammeh.

While there have been relatively few reports of such suppression under Barrow, human rights advocate Madi Jobarteh did face false-news charges in June 2020, after he criticized the government's handling of cases where individuals were allegedly killed by ECOMIG and government personnel. While the charges were dropped in July, Jobarteh was told that he was under government surveillance that month.

Environmental groups have reported harassment by security forces.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers—except for civil servants, household workers, and security forces—may form unions, strike, and bargain for wages, but the labor minister has the discretion to exclude other categories of workers. The Gambia has multiple trade unions that operate without government restrictions, although several lack organization and funds.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 2 / 4

The Barrow government has taken steps to improve the judiciary, which was hampered by Jammeh-era corruption and inefficiency. These steps include ending the use of contract judges, the establishment of additional courts to address the backlog of cases, and giving courts greater budgetary autonomy. The government also reconstituted the Judicial Service Commission, which appoints lower-court magistrates and advises the president on higher-level appointments, court efficiency, and operations. Nonetheless, the executive still dominates judicial appointments. The Supreme Court showed independence of the Barrow government when it ruled against its efforts to appoint a National Assembly member in January 2020.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due process guarantees remain poorly upheld. While political dissidents faced less risk of arrest and prosecution during the Barrow administration, high-ranking members of Three Years Jotna did face criminal charges after organizing an anti-Barrow protest in January 2020.

The government has taken steps to arrest and prosecute security officers responsible for Jammeh-era human rights abuses. In August 2020, Nyima Sonko, the widow of UDP official Ebrima Solo Sandeng, criticized the government over a lack of progress in investigating his 2016 death in detention.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The use of illegitimate physical force by security agents has been less frequent under the Barrow administration. There have been some attempts to improve prison conditions, though they remain dire. A Human Rights Commission began operating in 2019 after commissioners were appointed.

The Truth, Reconciliation, and Reparations Commission, established in 2018 to investigate Jammeh-era human rights abuses, continued to hold hearings in 2020. However, testimony has not yet led to any prosecutions, and the release of some perpetrators has been controversial.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Several groups encounter serious difficulties in exercising their human rights. Legal protections for disabled persons require strengthening and enforcement. LGBT+ people face severe societal discrimination, and same-sex relations remain criminalized. The 1997 constitution prohibits discrimination, but this “does not apply in respect to adoption, marriage, divorce, burial, and devolution of property upon death.”

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are no legal restrictions on freedom to change one’s place of residence or employment. In practice, the endurance of strong kinship networks, unclear land-ownership rules, and economic speculation impact Gambians’ ability to change residence.

Travel was restricted by the pandemic-related state of emergency in March 2020, with the land border with Senegal closed and nonmedical flights banned. A nationwide curfew was introduced in August but expired by December.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Gambian law provides formal protection of property rights, although Sharia (Islamic law) provisions on family law and inheritance can facilitate discrimination against women. Corruption hampers legitimate business activity. Land ownership is a contentious issue in The Gambia, with conflicts sometimes escalating into violence. These disputes are exacerbated by unclear division of responsibilities between traditional and state authorities.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Rape and domestic violence are illegal, but common. There are no laws prohibiting polygamy or levirate marriage, in which a widow is married off to the younger brother of her spouse. Female genital mutilation (FGM) was outlawed in 2015, but is still practiced by some; there is evidence that

rates of FGM and child marriage have increased since the end of the Jammeh regime. The Barrow government has undertaken steps to address child marriage and gender-based violence (GBV) and announced a national campaign to address domestic and sexual violence in December 2020.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Enforcement of labor laws is inconsistent. Women enjoy less access to higher education, justice, and employment than men. Although child labor and forced labor are illegal, some women and children are subject to sex trafficking, domestic servitude, and forced begging.

In the 2020 edition of its *Trafficking in Persons Report*, the US State Department noted the government’s efforts to identify trafficking victims and improve security at shelters, but also reported that the government did not secure a trafficking conviction during the reporting year. The government launched a “zero tolerance” policy to combat trafficking in January, vowing to assign more investigators and better document trafficking cases.

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Annual report on political
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Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact
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