



# Freedom in the World 2014 - Gambia, The

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## 2014 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 6.0

Civil Liberties (1 = best, 7 = worst): 6

Political Rights (1 = best, 7 = worst): 6

**Trend Arrow:** ↓

The Gambia received a downward trend arrow due to worsening restrictions on civil liberties, including amendments to the Information and Communications Act and the Criminal Code Act that further limited open and free private discussion, and a ban on the use of Skype and other voice communication programs in internet cafés.

## OVERVIEW

The government's repression of opposition leaders and journalists continued in 2013. Two legal reforms – an amendment to the media code restricting internet freedom and an amendment to the criminal code increasing fines for providing "false information" to public servants – further narrowed the space for journalists and civil society to operate.

Baba Leigh, an imam who criticized President Yahya Jammeh's decision to execute nine death row inmates in 2012, was released in April 2013 after five months of detention without charge. Jammeh continues to denounce sexual minorities in the name of Islam. Changes to the criminal code have made sexual minorities' personal freedoms more precarious.

## POLITICAL RIGHTS AND CIVIL LIBERTIES

**Political Rights:** 7 / 40

### *A. Electoral Process: 2 / 12*

The president is elected by popular vote for unlimited five-year terms. Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote, with the remainder appointed by the president; members serve five-year terms. Elections are violent and rigged. In the run-up to the November 2011 presidential poll, the government-controlled Independent Electoral Commission (IEC) installed a new biometric voter registration system, though it stated that 1,897 voters had nonetheless registered at least twice. The IEC failed to share the electoral register with opposition parties, significantly shortened the campaign period, and hampered the ability of opposition parties to campaign. Clashes between opposition supporters and the ruling Alliance for Patriotic Reorientation and Construction (APRC) during the campaign resulted in three deaths. Jammeh secured his fourth term as president with 72 percent of the vote; opposition parties rejected the results as fraudulent. The Economic Community of West African States (ECOWAS) refused to send election observers, while the Commonwealth Observer Group said the elections were fundamentally flawed.

After the denial of an opposition request to postpone the March 29, 2012, legislative elections to ensure a level playing field, six of the seven opposition parties boycotted this vote. Facing no opposition for over half of the available seats, the APRC won 43 seats, the National Reconciliation Party captured 1 seat, and independent candidates took the remaining 4 seats. Observers from the African Union noted irregularities, including a "gross imbalance" between the resources of the APRC and other parties and the presence of security personnel and traditional chiefs in polling stations. ECOWAS again refused to send observers.

### *B. Political Pluralism and Participation: 5 / 16*

Jammeh's government continues to repress opposition. Visiting opposition websites has been outlawed since April 2012. Ousainou Darboe of the opposition United Democratic Party (UDP) has claimed that public servants may be fired for being sympathetic to the opposition. In August, Dodou Kassa Jatta – who had run as an independent in the 2012 legislative elections – fled the country. Sources reported that he believed that security forces would murder him in a ritual sacrifice. UDP activist Momodou Lamin Shyngle Nyassi was told by the minister of presidential affairs that he would be arrested if he returned to The Gambia from the United States, where he was on tour with Darboe. Malang Fatty, a political opponent seeking asylum abroad, was arrested in September along with those assisting him: Amadou Sanneh, national treasurer of the UDP; Fatty's brother, who asked Sanneh to write a letter promoting Fatty's case for asylum; and the commissioner of oaths who authorized the letter. The government allegedly tortured the detainees and televised their forced confessions to political offenses.

### *C. Functioning of Government: 0 / 12*

Official corruption remains a serious problem. In 2012, Jammeh's focus on economic development led to increased anticorruption efforts, including the establishment of an Anti-Corruption Commission and the sentencing of several high-ranking security officials on drug and corruption charges. However, several sentenced officials eventually re-joined the government after paying fines, and government officials allegedly participated in the trafficking of drugs through the country. The Gambia was ranked 127 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

## **Civil Liberties: 14 / 60 (-1)**

### *D. Freedom of Expression and Belief: 4 / 16 (-1)*

The government does not respect freedom of the press. Laws on sedition give the authorities discretion in silencing dissent, and independent media outlets and journalists are subject to harassment, arrest, and violence. Three UDP leaders were convicted of sedition in July 2013 after one leader had attempted to seek asylum abroad after alleging that he had been subject to death threats by the Gambian government. In July, the National Assembly amended the Information and Communications Act to impose harsher penalties – up to 15 years in jail and up to three million dalasis (\$82,000) in fines – on people who use the internet to criticize or publish political cartoons about government officials. The minister of presidential affairs is quoted as saying, "If you cannot say anything good about the country, then you should keep quiet." In April, the National Assembly also passed the Criminal Code Amendment Bill, which increased the punishments for anyone convicted of providing "false information" to a public servant. The definition of public servant was also expanded to include elected officials that are not defined as such in the constitution. In addition, in April the government banned internet telecommunications services such as Skype.

Ownership of private television outlets is prohibited, and media outlets Teranga FM, the *Standard*, and the *Daily News* continue to be banned. Journalists are often jailed without charge, or detained more than the 72 hours allowed by law, while their whereabouts are withheld. Fatou Camara, a talk show host who had previously been Jammeh's press secretary, fled the country in October after being released from jail; she faced charges of sedition.

Religious freedom is formally protected. Although there are no formal government restrictions on academic freedom, it appears to be limited at the University of The Gambia, with the presence of security forces on campus, the discouragement of political speech and activities, and the departure of prominent scholars from the university in recent years. Open and free private discussion is limited by fears of government surveillance and retaliation.

### *E. Associational and Organizational Rights: 3 / 12 (-1)*

Freedoms of assembly and association are legally protected but constrained by state intimidation in practice. Associational rights are limited in effect by the regime's use of judicial measures and arbitrary detention to intimidate opponents. The 2013 amendment to the Information and Communications Act further threatens associational freedoms of opponents by formalizing punishments for people "inciting dissatisfaction." Nongovernmental organizations (NGOs) operate in the country but, like journalists, human rights advocates are constantly under threat of judicial reprisals and detentions. Because freedom of association is limited, few NGOs aggressively tackle political issues. Workers, except for civil servants and members of the security forces, have the right to form unions, strike, and bargain for wages, though a climate of fear generated by the state dissuades workers from taking action.

### *F. Rule of Law: 1 / 16*

Although the constitution provides for an independent judiciary, Jammeh selects and dismisses judges. The judicial system recognizes customary law and Sharia (Islamic law), primarily with regard to personal status and family matters. Impunity for the country's security forces is a problem.

A 1995 decree allows the National Intelligence Agency (NIA) to search, arrest, or seize any person or property without a warrant in the name of state security. Prisons are overcrowded and unsanitary. Torture of prisoners has been reported as routine. In 2013, the Gambian judiciary established a Judicial Complaints Committee to receive complaints, arbitrated by certain members of the judiciary.

In August 2012, Jammeh ordered the execution of 9 of the 47 inmates on death row, depriving them access to a fair trial, an attorney, or their families. Baba Leigh, an imam who criticized this decision, was released in April 2013 after five months' detention without charge.

The Gambia's ethnic groups coexist in relative harmony, though critics have accused Jammeh of giving preferential treatment to his Jola ethnic group. In 2013, Jammeh called the country's majority Mandinka ethnic group "treasonous."

Consensual same-sex sexual relationships between men are a criminal offense, with punishments of between 5 and 14 years in prison. The LGBT (lesbian, gay, bisexual, and transgender) community was targeted alongside drug traffickers and murderers in the anticrime operation called "Operation Bulldozer" in 2012. In his speech at the UN General Assembly in September 2013, Jammeh declared homosexuality as "one of the biggest threats to human existence." Amnesty International has reported that the passage of the Criminal Code Amendment Act heightened threats to sexual minorities.

#### *G. Personal Autonomy and Individual Rights: 6 / 16*

Women enjoy fewer opportunities for higher education and employment than men. Sharia provisions regarding family law and inheritance restrict women's rights. Rape and domestic violence are common, despite laws prohibiting violence against women. Female genital mutilation (FGM) remains legal and widely practiced. The two-year trial of Isatou Touray, the chief executive of the Gambia Committee on Traditional Practices (GAMCOTRAP) – a local group working to combat FGM that is often harassed by the government – ended in acquittal in November 2012. Critics said the trial was politically motivated.

The Gambia is a source, destination, and transit country for the trafficking of women and children. There are legal penalties for trafficking and the government investigated some operations, including one that revealed 79 potential victims in January 2013, but there has been no formal declaration that they were trafficked. In December 2013, the National Assembly passed a domestic violence bill, supported by the UN Development Programme, intended to reduce sexual violence and empower women to bring perpetrators of sexual offenses and domestic violence to justice.

#### **Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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