



Freedom in the World 2015 - Gambia, The

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2015 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 an amendment to the criminal code that increased the penalty for "aggravated homosexuality" to life in prison, leading to new arrests of suspected LGBT people and an intensified climate of fear.

OVERVIEW

The government's repression of opposition leaders and journalists continued in 2014, intensifying in the run-up to the 2016 presidential elections. On December 30, disaffected Gambian soldiers launched a failed coup attempt while President Yahya Jammeh was abroad. Upon his return on December 31, authorities launched a crackdown on those allegedly involved in the coup plot.

In October, Jammeh signed into law an amendment to the Criminal Code that penalizes "aggravated homosexuality" with life in prison. A spate of arrests of suspected LGBT (lesbian, gay, bisexual, and transgender) individuals throughout the fall intensified the atmosphere of intimidation for sexual minorities.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 7 / 40

A. Electoral Process: 2 / 12

The president is elected by popular vote and is eligible for an unlimited number of five-year terms. Elections are violent and rigged. In the run-up to the 2011 presidential polls, the Independent Electoral Commission – controlled by the ruling party – failed to share the electoral register with opposition parties, shortened the campaign period, and hampered opposition party campaigns. Jammeh secured his fourth presidential term with 72 percent of the vote; opposition parties rejected the results as fraudulent and there was outcry from the international community.

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. Six of the seven opposition parties boycotted the 2012 legislative elections after demands for electoral reform were unmet. Facing little opposition, the ruling Alliance for Patriotic Reorientation and Construction (APRC) won 43 elected seats. African Union observers noted irregularities, a "gross imbalance" between the resources of the APRC and other parties, and the presence of security personnel and traditional chiefs in polling stations. The Economic Community of West African States (ECOWAS) refused to send observers. In 2014, no changes were made to the electoral system despite united opposition requests for reform prior to the 2016 presidential elections.

On December 30, 2014, a group of former soldiers launched an armed coup, which ultimately failed, while Jammeh was traveling abroad. As of December 31, three suspects were killed, including Lamin Sanneh, whom the authorities identified as the ringleader. Jammeh rejected claims that the attack was a coup attempt and instead blamed it on "terrorist groups backed by some foreign powers." Such statements fueled concerns by human rights groups that the incident could be used to justify a renewed crackdown on political opponents.

B. Political Pluralism and Participation: 5 / 16

Jammeh and his APRC dominate the political landscape, while security forces continue to repress opposition. Throughout 2014, members of the opposition United Democratic Party (UDP) were faced with increased harassment, detention, and arrest. The government consistently denied opposition requests to hold rallies. After fleeing the country in 2012 for fear of his life, Dodou Kassa Jatta – who had run as an independent in the 2012 legislative elections – remained in exile. At the end of 2014, Malang Fatty (a political opponent seeking asylum abroad), Amadou Sanneh (national treasurer of the UDP), and Fatty's brother, who asked Sanneh to write a letter promoting Fatty's case for asylum, remained imprisoned. The men were allegedly tortured, having been sentenced to five years in prison for sedition in December 2013.

C. Functioning of Government: 0 / 12

Official corruption remains a serious problem, and reports of government officials participating in drug trafficking are rampant. The government set up one anticorruption commission in 2004 and another in 2012. The latter sentenced several high-ranking security officials on drug and corruption charges. In 2014, the regime considered creating a third commission, giving the impression that the commissions are ad hoc rather than permanent antigraft agencies. The Gambia was ranked 126 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 13 / 60 (-1)

D. Freedom of Expression and Belief: 3 / 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. Amendments to the Information and Communications Act enacted in 2013 imposed harsher penalties – up to 15 years in jail and up to \$82,000 in fines – on people who use the internet to criticize government officials. The 2013 passage of the Criminal Code Amendment Bill increased the punishments for anyone convicted of providing "false information" to a public servant and expanded the definition to include elected officials.

Journalists are often jailed without charge or detained more than the 72 hours allowed by law while their whereabouts are withheld. In July, activist Lasana Jobarteh was found guilty of broadcasting without a license and fined 50,000 dalasi (\$1,300) because he used Skype to enable members of the diaspora to listen to a UDP political rally in December 2013. In January, two journalists – Musa

Sheriff and Sainey M. K. Marenah – were arrested and charged with "publication of false news with intent to cause fear and alarm to the public" after they published an article claiming that youth supporters of the ruling party had defected to the opposition UDP. In November, a magistrate acquitted them of the charges. In September, Alhagie Jobe, an editor from the progovernment *Daily Observer* newspaper, was released from custody after spending one year in detention on sedition and other charges related to an allegedly inaccurate news article found in his possession and statements extracted under torture.

State-run outlets dominate the media landscape. Ownership of private television stations is prohibited, but a small number of privately owned newspapers and radio stations operate. In January, the office of the president lifted a ban on the community radio station Taranga FM and the privately owned English-language *Standard* newspaper that had been in effect since 2012.

The government has reportedly blocked access to at least 15 news and opposition websites.

Religious freedom is generally protected. However, the authorities occasionally target minority Muslim groups whose observance departs from practices condoned by the Supreme Islamic Council.

Academic freedom is severely 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. The ruling party controls curriculum decisions and instructor appointments at all levels. In 2014, Sait Matty Jaw, a lecturer at the university, was arrested along with two foreign nationals, detained for several days, and charged with conspiracy due to his research and data collection projects. No decision had been reached as of year's end. His detention, alongside the crackdown on LGBT persons, intensified the climate of fear at educational institutions. Open and free private discussion is limited by fears of government surveillance and retaliation.

E. Associational and Organizational Rights: 3 / 12

Freedoms of assembly and association are legally protected but constrained by state intimidation in practice. The 2013 amendment to the Information and Communications Act further threatens associational freedoms by formalizing punishments for people "inciting dissatisfaction." Nongovernmental organizations (NGOs) operate in the country but face the constant threat of judicial reprisals and detentions. Few NGOs aggressively tackle human rights and political issues. Workers, except for civil servants and members of the security forces, have the right to form unions, strike, and bargain for wages, but 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 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 is reportedly routine. In November 2014, the UN Special Rapporteurs on torture and extrajudicial killing were unable to complete their investigation in the country because the government denied them unrestricted access to detention facilities.

The Gambia's ethnic groups coexist in relative harmony, though critics have accused Jammeh of giving preferential treatment to his Jola ethnic group.

Consensual same-sex sexual relations between men are a criminal offense, with punishments of between 5 and 14 years in prison. In October 2014, Jammeh signed into law an amendment to the Criminal Code that further penalizes "aggravated homosexuality" with life in prison. The charge is vaguely worded but would cover "repeat offenders" and people living with HIV/AIDS who are

suspected of being gay or lesbian. The legislation was passed amid a broader atmosphere of official hostility to LGBT persons. During 2014, the National Intelligence Agency detained more than 16 individuals on suspicion of homosexuality, while others fled the country for fear of arrest.

G. Personal Autonomy and Individual Rights: 6 / 16

In January 2014, officials in Senegal, The Gambia's only border country, banned commercial traffic from its neighbor in response to increased tariffs on Senegalese vehicles entering Gambian ports. In April, Gambian officials closed the border completely for nearly a week as the dispute intensified, though it was reopened to private traffic shortly thereafter. The border was closed again at the end of the year and the government set up numerous checkpoints and roadblocks throughout the country in response to the coup attempt against Jammeh.

Property rights are not secure. In provincial areas, village chiefs allocate land for residential and agricultural use, but poor record keeping and high rates of turnover in village hierarchies give rise to land disputes and confusion in matters of ownership and lease. A variety of regulatory hurdles also impede the establishment and operation of new businesses.

Women enjoy fewer opportunities for higher education and employment than men. Only five parliamentarians are women. Sharia provisions regarding family law and inheritance restrict their rights. Rape and domestic violence are common, despite laws prohibiting violence against women. Female genital mutilation (FGM) remains legal and widely practiced. In 2014, anti-FGM efforts were increased, featuring the country's first National Youth Forum on FGM.

The Gambia is a source, destination, and transit country for the trafficking of women and children and home to several forms of child labor. In 2014, the United States downgraded the country to a Tier 3 designation after it made no significant efforts to combat trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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