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2021 Report on International Religious Freedom: The Gambia

OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM / JUNE 2, 2022



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EXECUTIVE SUMMARY

Executive Summary

The constitution provides for the freedom of religious choice, as long as it does not impinge on the rights of others or the national interest. The constitution prohibits religious discrimination, establishment of a state religion, and formation of political parties based on religious affiliation. The debate over whether the word “secular” should be included in the proposed new constitution had not been resolved at year’s end. The National Assembly did not debate the draft constitution’s provisions in its legislative session during the year. Prior to Ramadan, the government passed a bill that cut the daytime working hours of female civil servants, stating the decision was made in order to allow women to return home and prepare meals for their families to break the fast. According to media reporting, some Christians stated the action was discriminatory and questioned why they were not afforded a similar accommodation during Lent. According to media reports, political opponents used inaccurate rumors that one presidential candidate was an Ahmadiyya Muslim to disparage him during the campaign. In televised statements during religious holidays, President Adama Barrow stressed the need for continued religious freedom and tolerance.

The Supreme Islamic Council (SIC), a religious body tasked with providing Islamic religious guidance, continued to state that the minority Ahmadiyya Muslim community does not belong to Islam. The council did not include members of the community in its events and activities.

The U.S. Ambassador and other embassy officials regularly met with government officials as well as religious leaders of different faith groups to discuss religious freedom and tolerance. The Ambassador also hosted events to promote tolerance and bring together different faith communities. The embassy posted messages on social media to celebrate religious holidays and highlight the importance of religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 2.2 million (midyear 2021). Approximately 95 percent of the population is Muslim, most of whom are Sunni; the Ahmadiyya Muslim community states it has approximately 50,000 members. Christians make up approximately 4.2 percent of the population, the majority of whom are Roman Catholics. Religious groups that constitute less than 1 percent of the population include Baha'is, Hindus, and Eckankar members. Individuals tend to mix indigenous (animist) beliefs with Islam and Christianity.

Section II. Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

The constitution states, "Every person shall have the freedom to practice any religion and to manifest such practice" subject to laws that may impose such "reasonable restrictions" as necessary for national security, public order, decency, or morality. The constitution also states that such freedom must "not impinge on the rights and freedoms of others or on the national interest, especially unity." The constitution prohibits religious discrimination, the establishment of a state religion, and religiously based political parties. It provides for the establishment of *qadi* courts, with judges trained in the Islamic legal tradition. The courts are located in each of the country's seven regions, and their jurisdiction applies only to marriage, divorce, child custody, and inheritance where all the involved parties are Muslims. Citizens may choose to use either the civil or *qadi* courts.

There are no formal guidelines for the registration of religious groups. Religious groups that do not provide social services are not legally required to register. The criminal code outlaws “insult to religion,” “disturbing religious assemblies,” and “uttering words with the intent to wound religious feelings.” Faith-based groups that provide the same social services as nongovernmental organizations (NGOs) must meet the same eligibility criteria as other NGOs. By law, all NGOs are required to register with the NGO Affairs Agency and register as charities at the attorney general’s chambers under the Companies Act. They are required to have governing boards of directors composed of at least seven members responsible for policy and major administrative decisions, including internal control. This law also requires that all NGOs 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 NGO activities.

The law does not require public or private schools to include religious instruction in their curricula. The government, through the Ministry of Basic and Secondary Education, provides religious education teachers to public schools to teach an academic course on major world religions. Most public schools offer this course, and most students take the class. Some private schools also offer classes in religious education and tolerance and provide an overview of major world religions.

The constitution bans political parties organized on the basis of religion.

The Ministry of Lands and Regional Affairs oversees the portfolio of religious affairs.

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

GOVERNMENT PRACTICES

No efforts were made to resurrect the constitutional reform process following the September 2020 rejection by the National Assembly of a draft of a proposed new constitution, for which consultation and drafting began in 2018. During legislative debate over the draft as well as public consultations held by the Constitutional Reform Commission, inclusion of the word “secular” to describe the state was the subject of broad debate; the draft constitution did not include the phrase, although it maintained religious freedom protections, as does the constitution in force since 1997 (known locally as the “1997 Constitution”). However,

President Barrow pledged to make constitutional reform “the legacy” of his second term in office.

Prior to Ramadan, the government passed a bill that cut the daytime working hours of female civil servants, stating the decision was made in order to allow women to return home and prepare meals for their families to break the fast. According to media reporting, some Christians stated the action was discriminatory and questioned why they were not afforded a similar accommodation during Lent.

According to local media reports, during the 2021 election campaign, the founder of the Gambia Action Party, Musa Yali Batchilly, inaccurately labeled independent presidential candidate Essa Faal an Ahmadi and declared him an enemy of the Prophet Muhammad. In response, Faal expressed disappointment over the attack on his faith and dismissed allegations that he was an Ahmadi, which he described as a lie, saying he is “simply a Muslim” who did not embrace any of the branches of Islam. Faal finished fifth out of six presidential candidates in the December election, with approximately 2 percent of the vote.

President Barrow read televised statements during major Islamic and Christian religious holidays in which he stressed his administration’s commitment to promoting religious tolerance.

Section III. Status of Societal Respect for Religious Freedom

SIC leaders continued to state that all religious organizations in the country were entitled to freedom of expression and assembly. The SIC continued to state that Ahmadi Muslims did not belong to Islam, and it therefore did not include Ahmadi members in SIC events. The Ahmadiyya community had deep links to the educational and medical sectors in the country; they operated one of the largest affordable sharia-compliant schools in the country. The group proactively sought new adherents, predominantly by distributing printed material and preaching at health-care facilities. Ahmadi Muslims said they believed themselves free to practice their religion without interference but expressed frustration with the SIC’s refusal to integrate them into the broader Muslim community.

Intermarriage between Muslims and Christians continued to be common. However, due to cultural and gender norms, women were generally required to convert to their husband’s religion and raise all children in the husband’s religion. It was not uncommon for persons of different faiths to live in the same dwelling, and observers said religious differences were

widely accepted among family members and neighbors, with each jointly celebrating the religious events and holidays of the other.

Section IV. U.S. Government Policy and Engagement

Embassy representatives held meetings and events with government officials as well as with religious leaders of different faith groups, including Muslim (both Sunni and Ahmadi) and Christian, to emphasize the importance of continued religious tolerance. The Ambassador hosted Ramadan iftars and Christmas receptions with a variety of religious, government, human rights, and other civil society and community leaders to bring together persons of different faiths. As is traditional at most public gatherings, both Muslim and Christian prayers were offered at embassy-hosted religious freedom events. Participants at these events commented on the productive and friendly relationship maintained among leaders representing different faiths.

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