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Freedom in the World - Gambia, The (2007)

Population: 1,500,000**Capital:** Banjul

Political Rights Score: 5

Civil Liberties Score: 4

Status: Partly Free

Trend Arrow

The Gambia received a downward trend arrow due to a crackdown on the media following a coup attempt.

Overview

A coup attempt in March raised fears of political instability in The Gambia. Over 20 suspects were indicted during the year. The government, through the feared National Intelligence Agency (NIA), cracked down on the press in the aftermath of the attempted coup, arresting several prominent local journalists and shuttering a leading private paper. Several journalists were held incommunicado, while the NIA refused to disclose their locations or the accusations against them. The Gambia held a presidential election in September, in which President Yahya Jammeh won reelection with 67 percent of the vote.

After gaining independence from Britain in 1965, The Gambia functioned as an electoral democracy under President Sir Dawda Jawara and his People's Progressive Party for almost 30 years. A 1981 coup by leftist soldiers was reversed by intervention from Senegal, which borders The Gambia on three sides. The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989. Senegal declined to rescue the Jawara government again when Lieutenant Yahya Jammeh spearheaded a military coup in 1994. The leaders of the coup denounced the ousted government's alleged corruption, promising transparency, accountability, and early elections. Instead, they quickly imposed draconian decrees curtailing civil and political rights and the free media. A new constitution, adopted by a closely controlled 1996 referendum, allowed Jammeh to transform his military dictatorship into a nominally civilian administration.

Jammeh secured a victory in the October 2001 presidential poll, defeating opposition leader Ousainou Darboe, a human rights lawyer who headed a three-party opposition coalition, by 53 percent of the vote to 33 percent. Three other candidates won a combined total of 14 percent.

In the January 2002 National Assembly elections, the ruling Alliance for Patriotic Reorientation and Construction (APRC) won all but three seats. The polls showed signs of improvement over the previous, highly flawed legislative vote in 1997. However, there were some administrative problems with voter registration, and the major opposition coalition boycotted the polls.

In November 2005, three opposition leaders were detained for several weeks and charged

with "sedition"; the charges were later dropped. The three – Hamat Bah, Omar Jallow, and Halifa Sallah, each representing a small opposition party – had formed a coalition with Darboe's United Democratic Party (UDP), with the aim of unseating Jammeh in the 2006 presidential election. The coalition, the National Alliance for Development and Democracy (NADD), had made a strong showing in parliamentary by-elections in October 2005. It splintered in early 2006.

On March 22, 2006, officials announced that they had foiled an attempted coup. More than 20 suspects were arrested during the year, including senior intelligence and defense personnel. Their trials in civilian and military courts on charges of conspiracy and treason were still under way at year's end. Amnesty International expressed concern about the suspects' detention, saying that they were "at serious risk of torture."

The coup attempt also sparked a wave of repression against The Gambia's tiny private press. In March and April, agents from the National Intelligence Agency (NIA) arrested three journalists from the local private publication *The Independent*, holding them incommunicado for weeks in apparent connection with articles about the coup. The government also shut down the paper. One of the detained journalists, reporter Lamin Fatty, was held in an NIA detention facility for over two months, during which the NIA refused to release information on his whereabouts or the accusations against him. He was eventually criminally charged with publishing "false news," becoming the first Gambian journalist to be prosecuted under harsh new media laws passed in 2004. The NIA arrested several more journalists in June in connection with a crackdown on alleged contributors to a highly critical U.S.-based website run by an exiled Gambian. One journalist arrested in the crackdown, Malick Mboob, spent nearly five months in secret NIA detention before being released without charge, according to the Committee to Protect Journalists (CPJ). CPJ also reported that another journalist, who was reported missing in July, had been secretly arrested by the government and remained in detention at year's end.

Jammeh won a new five-year mandate in presidential elections held on September 22, 2006, taking 67.3 percent of the vote. Darboe, running as a candidate for the UDP, received 26.6 percent, while Sallah captured the remaining share. Darboe rejected the results as a "sham," although election observers from the Economic Community of West African States (ECOWAS) pronounced the vote "generally peaceful, free, fair and transparent." A UN envoy said that the polls were relatively free and fair, but that The Gambia needed international support to strengthen its democratic institutions.

A small, poor country with few natural resources, The Gambia depends on exports of peanuts and other commodities. Tourism and remittances from Gambians living abroad are an important source of foreign exchange. In June 2006, the U.S. government suspended The Gambia's eligibility for aid under the Millennium Challenge Corporation, citing concerns over political freedom and human rights.

Political Rights and Civil Liberties

The Gambia is not an electoral democracy. While the conduct of the 2006 presidential poll was deemed free and fair by regional observers, serious government repression of the media and the opposition in the run-up to the vote made a level playing field for the three candidates impossible. The president is both chief of state and head of government. He is elected by popular vote for a five-year term; the number of terms is not restricted. Of the 53 seats in the unicameral National Assembly, 48 are elected by popular vote and five are appointed by the president; members serve for five years.

Major political parties include the ruling APRC; the National Reconciliation Party (NRP); the People's Democratic Organization for Independence and Socialism (PDOIS), and the UDP. The National Alliance for Democracy and Development (NADD) is a coalition of several smaller opposition groups, including the PDOIS.

Official corruption remains a serious problem in The Gambia. The country's anticorruption commission began hearings in July 2004 as part of President Yahya Jammeh's "Operation No Compromise." Chaired by a Nigerian judge, the commission is probing the acquisition of assets by active and retired ministers and senior military officials during Jammeh's decade in power. However, neither the president nor any elected lawmaker has had to appear before the panel. The Gambia was ranked out 121 of 163 countries surveyed in Transparency International's 2006 Corruption Perceptions Index.

The private press in The Gambia operates under extremely difficult conditions; the government frequently arrests, threatens, and harasses local journalists. State-run Radio Gambia broadcasts only tightly controlled news programming that is also relayed by private radio stations. The country is home to a single, government-run television station. A leading private newspaper was shuttered by the government in 2006.

The independent press suffered a serious blow in December 2004 with the murder of prominent journalist Deyda Hydara, the managing editor of *The Point* newspaper who also worked for Agence France-Presse and Paris-based Reporters Without Borders (RSF). Hydara, a veteran

campaigner for press freedom, was gunned down in his car at night on his way home from work. The murder has remained unsolved, as have a series of arson attacks that targeted local independent journalists between 2000 and 2004. Hydera's murder came two days after the National Assembly passed new amendments to the Criminal Code and the Newspaper Act, strengthening the criminal penalties for press offenses and multiplying the fees for publication and broadcasting licenses.

The state generally does not restrict internet usage. However, several alleged local contributors to a U.S.-based website that was critical of the government were imprisoned by the National Intelligence Agency or harassed in 2006 after their names were leaked to Gambian authorities.

Freedom of religion is legally guaranteed and upheld by the government. Academic freedom is also respected.

Freedoms of assembly and association are provided by law but not always observed in practice. Security forces often crack down violently on demonstrators. In the lead-up to an African Union Summit held in Banjul in July 2006, the government barred a coalition of regional civil society organizations from holding a forum on free expression. Gambians, except for civil service employees and members of the security forces, have the right to form unions, strike, and bargain for wages.

The constitution provides for an independent judiciary. Lower courts are hampered by corruption and are sometimes subject to executive influence, but the judiciary has demonstrated its independence on several occasions, at times in significant cases. A number of judges have been brought to The Gambia from other African countries, and they tend to operate fairly and vigorously. Local chiefs preside over courts at the village level. The judicial system recognizes customary law, or Sharia (Islamic law), primarily in marital matters.

Although the Jammeh government has made some steps toward political openness, it still has extensive repressive powers. A 1995 decree allows the National Intelligence Agency to "search, arrest, or detain any person, or seize, impound, or search any vessel, equipment, plant, or property without a warrant" in the name of "state security." In such cases, the right to seek a writ of habeas corpus is suspended. Torture of prisoners has been reported, though conditions in some of the country's prisons have improved.

Impunity for the country's security forces is a problem. The National Assembly passed a law in 2001 giving amnesty "for any fact, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." The legislation was backdated to April 2000, when security forces had cracked down on demonstrators, killing 16 people. Military decrees giving authorities broad power to detain individuals indefinitely without charge "in the interest of national security" are still in force.

The Gambia's various ethnic groups coexist in relative harmony. The constitution prohibits discrimination based on religion, language, ethnicity, gender, and other factors, and the government generally enforces these provisions.

Religious and traditional obstacles to the advancement of women are being addressed by both the government and women's organizations. Women have fewer opportunities for higher education and wage employment than men, especially in rural areas. However, the government has waived school fees for girls, and women occupy senior government posts, including those of vice president and education minister. Sharia provisions regarding family law and inheritance restrict women's rights. Female genital mutilation is not banned and is widely practiced, but women's groups are working to eliminate it, and the government supports their efforts.

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