



Freedom in the World 2018 - Gambia, The

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Freedom Status: Partly Free

Aggregate Score: 41 (0 = Least Free, 100 = Most Free)

Freedom Rating: 4.5 (1 = Most Free, 7 = Least Free)

Political Rights: 4 (1 = Most Free, 7 = Least Free)

Civil Liberties: 5 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 2,100,000

Capital: Banjul

GDP/capita: \$459

Press Freedom Status: Not Free

Net Freedom Status: Not Free

OVERVIEW

The Gambia was ruled for over two decades by President Jammeh, who mounted a bloodless coup in 1994 and 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 of assembly, association, and speech improved thereafter, but the rule of law is unconsolidated, LGBT (lesbian, gay, bisexual, and transgender) people face severe discrimination, and violence against women remains a serious problem.

Status Change Explanation:

The Gambia's status improved from Not Free to Partly Free, its political rights rating improved from 6 to 4, and its civil liberties rating improved from 6 to 5 due to the installation of newly elected president Adama Barrow into office in January and the holding of competitive legislative elections in April. Among other openings associated with the departure of former president Yahya Jammeh, exiled journalists and activists returned, political prisoners were released, ministers declared their assets to an ombudsman, and the press union began work on media-sector reform.

Key Developments in 2017:

- Barrow, the winner of the 2016 presidential election, was inaugurated in Senegal on January 19, as Jammeh attempted to cling to power. The Economic Community of West African States (ECOWAS) then sent in troops under a previously authorized agreement that allowed the deployment of a standby force to intervene militarily if a peaceful transfer of power did not begin by the last day of Jammeh's mandate. Days after the ECOWAS force deployed, Jammeh conceded defeat and left the country.
- Parliamentary elections in April were commended by international monitors as transparent, peaceful, and neutrally managed by the Independent Electoral Commission.

- In separate rulings in June, the Supreme Court declared unconstitutional the amended 2013 Information and Communication Act punishing the "spreading of false news" via the internet, and a colonial-era law banning sedition.

POLITICAL RIGHTS: 20 / 40 (+12)

A. ELECTORAL PROCESS: 7 / 12 (+4)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4 (+1)

International observers were not allowed into The Gambia ahead of the December 2016 presidential election, and internet and international telephone services were cut on election day. Despite these obstacles, the Independent Electoral Commission was able to conduct an impartial vote count, and declared that Barrow had won. Jammeh initially conceded defeat, but then reversed his position, and had not stepped down by January 19, 2017, the day Barrow was inaugurated in Senegal. ECOWAS consequently sent in troops under a previously approved authorization to intervene militarily if a peaceful transfer of power did not begin by the last day of Jammeh's mandate. On January 21, Jammeh conceded defeat, and left the country.

Score Change: The score improved from 1 to 2 due to the successful inauguration of Adama Barrow, the legitimate winner of the 2016 presidential election, in late January, after a protracted diplomatic crisis sparked by former president Yahya Jammeh's attempts to stay in power.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4 (+2)

Of the 58 members of the unicameral National Assembly, 53 are elected by popular vote, with the remainder appointed by the president; members serve five-year terms. The April 2017 parliamentary elections were transparent, peaceful, and neutrally managed, and were commended by ECOWAS, the African Union (AU), the European Union (EU), and the United Nations. Weaknesses included low turnout, disproportionate media attention to the president, incomplete updating of the voter registry, and weak organization of vote collation processes. Nevertheless, most polling stations operated on time and vote counting was transparent. Two hundred and thirty-nine registered candidates representing 9 political parties, along with 42 independent candidates, ran for the 53 elected seats.

Score Change: The score improved from 1 to 3 due to the April National Assembly elections, which international observers judged to be credible, transparent, and peaceful.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (+1)

The Independent Electoral Commission adequately managed the 2017 National Assembly elections (as well as the 2016 presidential election), but nevertheless faces serious challenges. Election observers have called for improvements to voter registration processes, improved polling station conditions, and more standardized counting and collation processes, as well as the redrawing of election district boundaries.

In February 2017, the National Assembly amended the Elections Act to dramatically reduce deposits required to run for office at various levels. Under the new rules, presidential candidates must pay 10,000 (\$230) dalasi, down from 500,000 (\$11,000) previously; parliamentary candidates must pay 5,000 dalasi, down from 50,000 previously; mayoral candidates must pay 2,500 dalasi, down from 50,000 previously, and local councilors must pay 1,250 dalasi, down from 10,000 previously.

Score Change: The score improved from 1 to 2 because the electoral commission oversaw successful National Assembly elections in 2017, and because the deposit amounts required to run for national and local offices were reduced.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (+4)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4 (+1)

The Gambia has nine political parties. To register a new party, organizers must pay a 1 million dalasi (\$22,000) registration fee and garner the signatures of 10,000 registered voters with at least 1,000 from each of the country's seven regions. Parties centered on a particular religion, ethnicity, or region are banned. All of a political party's executives must live in The Gambia.

All nine parties competed in the 2017 National Assembly elections; six parties and one independent won seats, compared to two parties and four independents in the 2012 elections. Jammeh and his Alliance for Patriotic Reorientation and Construction (APRC) had long dominated politics previously, and the rise and fall of competing political parties has yet to be institutionalized.

Score Change: The score improved from 1 to 2 because the system was generally free of undue obstacles to the organization and participation of political parties during the April National Assembly elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+2)

The United Democratic Party (UDP) won 31 seats in the 2017 National Assembly elections, taking an absolute majority and displacing Jammeh's APRC, which took 5 seats, down from the 48 it held previously. A number of other opposition groups gained representation in the elections. Previously, under Jammeh, the APRC had dominated the legislature over a period of two decades. Politicized security forces had suppressed the opposition during the 2016 election period.

Separately, Barrow released dozens of political prisoners shortly after taking office.

Score Change: The score improved from 1 to 3 because multiple opposition groups gained power through the National Assembly elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4 (+1)

While people's political choices are more free from the undue dominance of unelected parties since the end of Jammeh's 22-year rule, military forces and foreign powers remain influential in Gambian politics. At the request of President Barrow, the ECOWAS mission in The Gambia (ECOMIG) will remain in country until May 2018 in order to facilitate security sector reform intended to reduce ethnically and politically skewed staffing dynamics that are a legacy of the Jammeh regime.

Score Change: The score improved from 1 to 2 due to the reduced influence of powerful groups that are not democratically accountable over people's political choices.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

While political rights and electoral opportunities have recently improved, women remain underrepresented in politics. The newly elected National Assembly includes the first-ever woman speaker and a disabled person; both are presidential appointees." The Jola-dominated APRC no longer monopolizes political space to the extent that it did previously.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (+4)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (+2)

In January 2017, President Adama Barrow was duly installed in office, and formed a functioning government. Nonstate actors, armed forces, and foreign governments do not appear to enjoy preponderant influence. However, despite these improvements, representative rule has yet to be consolidated.

Score Change: The score improved from 0 to 2 because Barrow was able to assume office in January and form a functioning government that is not obstructed by excessive partisan polarization or interference from nonstate actors, armed forces, or foreign governments.

C2. Are safeguards against official corruption strong and effective? 1 / 4 (+1)

The new government has undertaken limited initiatives to reduce corruption, which remains a serious problem. A Commission of Inquiry is investigating former President Jammeh's use of state funds for private gain, and froze his assets. However, challenges remain. Gambians continue to call for laws establishing an Anti-Corruption Commission and requiring public asset declarations by government officials. There is currently no law to protect whistleblowers, and in June 2017, one in the administration was arrested after making allegations of cronyism at the state intelligence agency.

Score Change: The score improved from 0 to 1 because the Barrow administration launched an inquiry into former president Jammeh's use of state funds for private gain, and froze his assets.

C3. Does the government operate with openness and transparency? 1 / 4 (+1)

Government operations are generally opaque, but limited steps were taken toward improving transparency in 2017. Government officials are now required to make asset declarations to the Ombudsman, but the declarations are not open to public and media scrutiny; Barrow has defended this withholding of information, citing privacy concerns. There are widespread allegations of corruption in public procurement processes. However, in a positive development, Finance Minister Amadou Sanneh proposed a budget to the National Assembly, which was debated and approved through the appropriate legislative channels. The new budget was some \$24 million less than Jammeh's last budget, with a notable portion of the savings reportedly coming from the elimination of funds budgeted to the first family.

Score Change: The score improved from 0 to 1 due to the fact that all ministers are now required to make asset declarations to an ombudsman, and the National Assembly passed an amended budget that went through proper legislative channels for debate.

CIVIL LIBERTIES: 21 / 60 (+9)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16 (+4)

D1. Are there free and independent media? 2 / 4 (+2)

Journalists have cited improvements in the media environment under Barrow's administration. These include decreased self-censorship, which journalists attributed to a lifting of the climate of fear most had operated in under Jammeh's severely restrictive administration, when coverage of sensitive topics could result in arrest or abduction. In the newly opened environment, more people are entering the profession, and exiled journalists have returned to the country. While restrictive laws still constrain media, the Gambia Press Union, in cooperation with the government and regional media freedom groups, has begun creating a Comprehensive Strategic Framework for media-sector reform. Additionally, arrest warrants were issued in May 2017 for those suspected of murdering journalist Deyda Hydara in 2004. In June 2017, the Supreme Court struck down a section of the Information and Communication Act that punished the "spreading of false news" via the internet. The ruling came days after it had similarly struck down a colonial-era sedition law.

However, the new administration faced criticism in connection with the arrest and detention of journalist Baboucarr Nani Sey on a variety of apparently trumped-up charges, including organizing a demonstration without a permit. A journalist was beaten in March by supporters of the ruling coalition, though authorities later apologized for the attack.

Score Change: The score improved from 0 to 2 due to improvements in the media environment, including the Barrow administration's ongoing discussions with the Gambia Press Union to reform media laws, the return of exiled journalists, and the issuing of arrest warrants for the suspected killers of journalist Deyda Hydar.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

In 2017, President Barrow met with religious leaders, and affirmed his support for religious freedom, which is enshrined in the constitution. Barrow appointed three Christians to his cabinet, and promoted religious tolerance during Senegalese Archbishop Benjamin Ndiaye's visit to The Gambia. Various Muslim communities are no longer required to celebrate Eid on the same day.

However, in practice, some restrictions remain. Ahmadi Muslims were denied burial rights in Muslim cemeteries via a Supreme Islamic Council fatwa in 2015, and face discrimination.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom was severely limited at the University of The Gambia under Jammeh, and a robust environment featuring the free exchange of ideas has yet to be established following his departure.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (+2)

Following years of repressive rule under Jammeh, freedom for ordinary people to express views – particularly those of a political nature – without fear of retaliation has increased since Barrow's administration took power. However, problems remain, including at least one instance in 2017 in which a person was arrested and detained in connection with insulting Barrow on social media.

Score Change: The score improved from 0 to 2 due to a freer environment for private discussion, especially of a political nature, under the Barrow administration.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (+3)

E1. Is there freedom of assembly? 1 / 4 (+1)

The Constitution guarantees freedom of assembly, and while severe limitations to this right remain under the new Barrow administration, the environment improved somewhat in 2017. Freedom of assembly was generally respected during the year's campaign period, during which candidates were able to convey their platforms to voters.

Permits from the police inspector general are required for protests, but the Public Order Act requiring this has come under increasing public scrutiny after the denial of a permit to opposition leader Mama Kandeh, and the death of one citizen during unregistered protests in Kanilai, who was shot by security forces.

Score Change: The score improved from 0 to 1 due to increased space for peaceful assembly under the new administration, notably during the campaigning period ahead of the National Assembly elections.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4 (+1)

There are a number of nongovernmental organizations (NGOs) in Gambia focused on human rights and governance issues. Under Jammeh, NGO workers faced a serious risk of detention and other reprisals, but there were few reports of such suppression in 2017. Notable NGO campaigns in 2017 included advocacy for improved freedom of information and media regulations during the year.

Score Change: The score improved from 1 to 2 due to the new government's tolerance of NGO advocacy related to human rights and governance strengthening.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4 (+1)

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. In August 2017, The Gambia's major trade unions formed a committee tasked with strengthening union activity. Other domestic and international trade union activity took place peacefully during the year.

Score Change: The score improved from 1 to 2 due to an increase in peaceful and free union activity, including collaboration between trade unions to strengthen the movement.

F. RULE OF LAW: 3 / 16 (+2)

F1. Is there an independent judiciary? 1 / 4 (+1)

The judiciary is hampered by corruption and inefficiency. The executive dominates judicial appointment processes. The new administration took steps to include more Gambian citizens in the judiciary, as Jammeh had frequently appointed foreign judges whose terms he could easily cancel if they issued rulings he opposed. In February 2017, Barrow appointed a new Supreme Court justice: Hassan Bubacar Jallow, an internationally respected former UN prosecutor and a Gambian citizen. He began his work by highlighting the shortage of Gambian judges as a critical problem. In November, Barrow appointed eight new Gambian judges to high-level courts, a move the Gambia Bar Association praised.

Score Change: The score improved from 0 to 1 due to the appointment of a new chief justice – an internationally respected former UN prosecutor and a Gambian citizen – in a bid to reverse Jammeh's controversial practice of appointing foreign justices.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Constitutional guarantees of due process are poorly upheld. There were several reports of detention without clear charges in 2017. Of the detainees, who include at least a dozen Gambia Armed Forces members from the Jammeh era, some have not enjoyed access to lawyers, many await trial, and at least one has alleged torture.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (+1)

The use of illegitimate physical force by security agents has been less frequent under the new Barrow administration. The ex-head and deputy of the National Intelligence Agency were arrested in February 2017 on charges of torture and other human rights violations allegedly committed during the Jammeh regime.

However, serious challenges persist. There are few safeguards to prevent people accused of committing human rights abuses from holding positions of authority within the criminal justice and prison systems. Prison conditions are harsh and unsanitary.

Score Change: The score improved from 0 to 1 due to the reduced use of illegitimate physical force by the Barrow government, and moves to prosecute past abuses.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

A number of groups encounter serious difficulties in exercising their human rights. Legal protections for disabled people require strengthening and enforcement. LGBT people face severe societal discrimination, and same-sex relations remain criminalized. (In 2017, UDP leader Ousainou Darboe called for decriminalization.) The 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: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Freedom of movement is hampered by poor roads and numerous security checkpoints.

G2. 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.

G3. 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 was outlawed in 2015, but is still practiced by some. Activists have called on Barrow to clearly indicate that the law prohibiting it will remain on the books.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

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. The government has recently made an increased effort to address human trafficking, including by training security officials and border guards to identify victims, and by providing better services to those identified.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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