

Freedom in the World 2022 - Gambia

Partly Free

47

/ 100

[Political Rights](#) 21 / 40

[Civil Liberties](#) 26 / 60

Last Year's Score & Status

46 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

The Gambia was ruled for over two decades by former president Yahya Jammeh, who first seized power in a military coup and consistently violated political rights and civil liberties. The 2016 election resulted in a surprise victory for opposition candidate Adama Barrow. Respect for fundamental freedoms including the rights to free assembly, association, and expression initially improved under the Barrow administration, but it has faced criticism for continued corruption. Among other ongoing concerns, LGBT+ people face severe discrimination, and violence against women remains a serious problem.

Key Developments in 2021

- In May, the Supreme Court found that the National Assembly had exceeded its authority in late 2020 by amending the national budget to include a loan program for its own members.
- An ally of former president Jammeh, Yankuba Touray, was sentenced to death in July for his role in the extrajudicial killing of then finance minister Ousman Koro Ceesay in 1995. The conviction was appealed. The defendant had refused to cooperate with the Truth, Reconciliation, and Reparations Commission (TRRC), which submitted its final report to the government in November, after multiple delays; the government had six months to decide what to do with the report.
- In August, the president signed the Access to Information Act into law, raising the prospects for greater government transparency.
- In December, President Barrow won reelection after a contentious campaign in which his National People's Party (NPP) formed an alliance with the former ruling party, the Alliance for Patriotic Reorientation and Construction (APRC). Former president Jammeh had condemned the alliance and called for the APRC to side with Mama Kandeh's Gambia Democratic Congress (GDC) instead.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected to a five-year term and faces no term limits. In the December 2021 election, Adama Barrow won a second term with about 53 percent of the vote in a field of six candidates. Ousainou Darboe of the United Democratic Party (UDP) placed second with 28 percent, followed by Mama Kandeh of the GDC with 12 percent. Domestic and international observers were allowed to monitor the election and found the results to be credible. However, some irregularities

were reported, and a number of deficiencies in the legal framework affected the campaign environment. Two of the opposition candidates rejected the outcome and filed a legal suit that was subsequently dismissed by the Supreme Court on procedural grounds.

Score Change: The score improved from 2 to 3 because the year's presidential election results were deemed credible by international and domestic observers, and unlike with the previous presidential election, the outcome was upheld without the need for external intervention.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 3 / 4

Of the 58 members of the unicameral National Assembly, 53 are elected by popular vote and the remainder are appointed by the president; members serve five-year terms. The 2017 parliamentary elections were transparent, peaceful, and impartially managed. Weaknesses included low turnout, incomplete updating of the voter registry, and poor organization of vote-collation processes. Nevertheless, most polling stations operated on time, and vote counting was transparent. The United Democratic Party (UDP), which at the time backed Barrow and had previously been in opposition, won 31 seats and an absolute majority. Five smaller parties and an independent divided the remainder, with no more than five seats each.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The Independent Electoral Commission (IEC) adequately managed the 2017 National Assembly elections, the 2018 local elections, and the 2021 presidential election. However, it faces chronic challenges related to its finances, training of personnel, and access to supplies. International observers in 2021 highlighted weaknesses in the electoral framework, including poor regulation of campaign financing, though they praised key aspects of the polling process on election day. A nationwide registration campaign conducted by IEC ahead of the presidential election was widely seen as a success despite significant financial and logistical obstacles; in all, over 960,000 Gambians were registered to vote.

Proposed electoral reforms that were introduced in the National Assembly in March but not passed during the year would grant members of the diaspora the right to vote, among other changes. Critics found fault with some provisions, arguing in part that the bill would manipulate constituency boundaries.

B Political Pluralism and Participation

B1 0-4 pts

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

There were 18 political parties registered in The Gambia as of 2021. Organizers must pay a 1 million dalasi (\$19,000) registration fee and garner the signatures of 10,000 registered voters, with at least 1,000 from each of the country's regions. Parties centered on a particular religion, ethnicity, or region are banned. Parties are required to submit annual audits to the IEC.

Candidate nomination requirements present an obstacle to party competition. Of 21 initial nominations in 2021, only six presidential candidates were approved by the IEC; while two parties successfully challenged the rejections in court, they did not ultimately field candidates.

Ruling parties have benefited from the advantages of incumbency, including misuse of state resources. Prior to the 2016 presidential election, Jammeh's APRC had dominated politics. The UDP then became the dominant party until Barrow fell out with party leader Ousainou Darboe and formed the NPP in 2019.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The UDP won a legislative majority in 2017, displacing the APRC, and it has been in opposition to President Barrow since 2019. Discussions among smaller parties on the formation of broader opposition alliance did not bear fruit during 2021. With support from the NPP, Barrow easily won an outright majority in his reelection bid.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Gambians have become more free from improper influences on their political choices since Jammeh's 22-year rule ended in 2017, but abuses such as the politicized distribution of money and goods to benefit the ruling party continued to be reported ahead of the 2021 election.

A military mission deployed by the Economic Community of West African States (ECOWAS) played a pivotal role in compelling Jammeh to yield to Barrow's victory in the 2016 election; the mission's mandate was extended multiple times at Barrow's request amid ongoing concerns about security and political stability, but it was scheduled to end at the close of 2021. The ECOWAS force has not had a discernible impact on the decisions of voters or politicians, though there are unproven allegations to the contrary.

B4 0-4 pts

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

There is concern that Gambian politics are being defined by ethnic divisions, as major parties draw much of their support from particular ethnic groups. Former president Jammeh, an ethnic Jola, criticized members of the plurality Mandinka ethnic group before leaving office. There were allegations that the NPP's alliance with the APRC and several other smaller parties ahead of the 2021 election carried an undercurrent of anti-Mandinka mobilization, as the UDP is strongly associated with that ethnic group.

Women remain underrepresented in politics. The National Assembly elected in 2017 included a woman speaker as well as the first lawmaker with disabilities, but both were presidential appointees. Only five women held National Assembly seats as of 2021.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The Barrow government does not appear to be subject to undue influence from nonstate actors, armed forces, or foreign governments. However, its critics have alleged that the government is under the influence of Senegal, citing the continued presence of the ECOWAS military mission and the preponderance of Senegalese commercial interests in the country. The parliament's limited ability to check executive authority remains a concern.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

The Barrow government has undertaken limited initiatives to reduce corruption, which remains a serious problem. Allegations of corruption are frequently lodged against officials at all levels of government, and both state and semiofficial agencies have been accused of improperly funneling money to private citizens. While lawmakers have discussed anticorruption legislation, a proposed anticorruption commission has not yet been established, and an older anticorruption body is dormant.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque. Officials must make asset declarations to the ombudsman, but the declarations are not open to public and media scrutiny. There are widespread allegations of corruption in public procurement. Key licensing processes, especially for industries that rely on natural resources, are not transparent.

The National Assembly passed the Access to Information Act in July 2021, and President Barrow signed it into law in August. Civil society groups had championed the legislation as a means to improve transparency and accountability, but it remained unclear whether it would be fully implemented in practice.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The media environment has improved under Barrow's presidency. More people are entering the profession, exiled journalists have returned to the country, and there has been a proliferation of private print, online, radio, and television outlets. Nevertheless, a number of laws that restrict

freedom of expression remain in effect, including some that have recently been upheld by courts. Media outlets are subject to arbitrary suspensions, and journalists have at times faced arrest or physical assault in the course of their work.

D2 0-4 pts

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

The Barrow government has maintained that The Gambia is a secular society in which adherents of all faiths can worship freely. In practice, non-Sunni Muslim groups experience discrimination. The 2019 draft constitution, which failed to win legislative approval in 2020, omitted a reference to The Gambia as a secular country, prompting concern among civil society actors. Traditional authorities have made disparaging comments about the Christian community—which comprises less than 5 percent of the population—in connection with the construction of churches and cemeteries. Some Christians argued in 2021 that a measure granting reduced working hours to women civil servants during the Ramadan fasting period was discriminatory, since no such accommodations were offered during Christian fasts.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom at the University of The Gambia has improved since Barrow took office, with a more open environment for the exchange of ideas among students and professors than under Jammeh. Lecturers still face political pressure, however, and other challenges persist. University staff have argued that funds are misused by senior leadership, and in September 2021 they announced plans for a strike to improve the governance structure of the university.

D4 0-4 pts

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

Gambians have greater freedom to express political views under the Barrow administration. However, sedition laws that remain on the books could be used to criminalize criticism of the government, including on social media. In April 2021, a leader of the Three Years Jotna movement, which had called for Barrow to honor his earlier pledge to remain in office for only three years, was charged with sedition and violations of the Public Order Act (POA) after allegedly insulting the president and the judiciary. He was eventually cleared of the charges. In December, the Supreme Court dismissed a separate case concerning the constitutionality of a criminal code provision that makes it an offense to disparage a foreign dignitary, ambassador, or head of state.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but the POA requires event organizers to obtain police permits for public assemblies. A resurgence of COVID-19 cases in February 2021 prompted the government to temporarily suspend the issuance of permits for political and social events. In April, a planned protest against the deportation of Gambian refugees from Germany was denied a permit on public health grounds, even though other recent events had been allowed to proceed. In May, the government dropped charges against the leadership of the Three Years Jotna movement that were linked to a protest in 2020. Human rights activists have alleged that the police use excessive force when disbanding protests.

E2 0-4 pts

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

There are several nongovernmental organizations (NGOs) in The Gambia that focus on human rights and governance issues. NGO workers faced detention and other reprisals under Jammeh, and restrictive legislation remains on the books, but since 2017 NGOs have operated with less interference in practice, and some groups have successfully challenged the government on policy and legal matters without repercussion. International NGOs have also increased their presence in the country and are able to operate without interference.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

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. The Gambia has multiple trade unions that operate without government restrictions,

though several lack organization and funds. In 2021, the University of The Gambia Faculty and Staff Association lost a court case in which it argued that an injunction to prevent its members from striking was unconstitutional.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 2 / 4

The Barrow government has taken steps to improve the judiciary, which was hampered by corruption and inefficiency under Jammeh. These steps include ending the use of contract judges, the establishment of additional courts to address case backlogs, and giving courts greater budgetary autonomy. The government also reconstituted the Judicial Service Commission, which appoints lower-court magistrates and advises the president on higher-level appointments, court efficiency, and operations. While executive dominance remains a concern, the judiciary has shown some independence from the other branches of government in recent years. In May 2021, for example, the Supreme Court ruled in favor of a lawsuit brought by two NGOs, finding that the National Assembly had exceeded its authority by amending the national budget to include a 54 million GMD (\$1 million) loan program for its own members and staff.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due process guarantees remain unevenly upheld, though political dissidents face less risk of persecution than during the Jammeh era. The government has pledged to arrest and prosecute security officers responsible for past human rights abuses, and in July 2021 Yankuba Touray, a Jammeh ally who eventually served in his cabinet, was sentenced to death for his role in the 1995 extrajudicial killing of the then finance minister, Ousman Koro Ceesay. However, there have been no other major cases against senior personnel.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The use of illegitimate physical force by security agents has been less frequent under the Barrow administration. There have been some attempts to improve prison conditions, which remain dire. The hearings of the TRRC, established in 2018 to investigate Jammeh-era human rights abuses, have yielded little in terms of prosecutions, and the release of some perpetrators has been controversial. The commission submitted its final report to the government just over a week before the 2021 presidential election after multiple delays, prompting allegations that the government sought to suppress it in light of the NPP's alliance with the APRC. The Barrow government had six months to respond to the report.

F4 0-4 pts

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

Several groups in Gambian society encounter serious difficulties in exercising their human rights. Women enjoy less access to higher education, justice, and employment than men. Legal protections for people with disabilities require strengthening and enforcement. LGBT+ people face severe societal discrimination, and same-sex relations remain criminalized. The 1997 constitution, which remains in effect, prohibits discrimination, but this "does not apply in respect to adoption, marriage, divorce, burial, and devolution of property upon death." Caste-based discrimination remains an issue in parts of the country.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are no legal restrictions on the freedom to change one's place of residence or employment. In practice, the endurance of strong kinship networks, unclear land-ownership rules, and economic speculation affect Gambians' ability to change residence.

Most of the coronavirus-related restrictions imposed on internal and external travel during 2020 were lifted later that year, but the government activated additional quarantine requirements for some international travelers in response to the emergence of a new COVID-19 variant in early 2021.

G2 0-4 pts

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 protections for property rights, but Sharia (Islamic law) provisions on family law and inheritance can facilitate discrimination against women. Corruption hampers legitimate business activity. Land ownership is a contentious issue, with disputes sometimes escalating into violence. The problem is exacerbated by unclear division of responsibilities between traditional and state authorities.

G3 0-4 pts

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 is still practiced despite a legal ban. The Barrow government has undertaken steps to address child marriage and gender-based violence. In 2021, it advocated repealing a ban on skin bleaching, originally enacted under Jammeh, arguing that it discriminated against women; the National Assembly voted in March to retain the ban.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1 / 4

Enforcement of labor laws is inconsistent. Although child labor and forced labor are illegal, some women and children are subject to sex trafficking, domestic servitude, and forced begging. In the 2021 edition of its *Trafficking in Persons Report*, the US State Department noted that while the government has taken steps to identify trafficking victims and improve security at shelters, its efforts are hampered by inadequate resources, and there have been no convictions linked to human trafficking for several years.

ecoi.net summary:

Annual report on political rights and civil liberties in 2021

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