



Human Rights and Democracy Report - Country Case Study: The Gambia

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The human rights situation in The Gambia has been in steady decline since 2012, when the government of President Jammeh broke its own moratorium on the death penalty and executed nine death-row prisoners. Rule of law, freedom of the press, arbitrary detentions, human trafficking, and recent legislation targeting LGB&T people are all areas of concern. In October, the Gambian government reneged on its agreement to allow access to UN Special Rapporteurs investigating reports of torture and extrajudicial executions.

President Jammeh and his government have a poor record on LGB&T rights. In April 2013, the Gambian National Assembly passed the Criminal Code (Amendment) Act allowing a prison term of five years to any male found guilty of dressing in female clothing. Homosexual acts were already criminalized under Gambian law, with "acts of gross indecency" between two persons of the same sex carrying a five-year sentence, while "carnal acts" carried a 14-year jail term. In February 2014, he used his Independence Day speech to state: "LGBT can only stand for Leprosy, Gonorrhoea, Bacteria and Tuberculosis; all of which are detrimental to human existence."

In early 2014, President Jammeh called for additional legislation to protect Gambian "traditional values and religious sensitivities". This led to the Gambian National Assembly unanimously passing the Aggravated Homosexuality Bill in August 2014, which was lifted word for word from the **Ugandan** Anti-Homosexuality Act (which has since been annulled by the Ugandan Constitutional Court). The word "aggravated" appears only in the title of the amendment, but as there is no definition for the terms used, it is unclear what this means. The law states that those who commit acts of homosexuality as "serial offenders" will be subject to life imprisonment. The term "serial offender" is worryingly vague, and could be applied to consensual activity between same-sex partners. The discriminatory nature of the new legislation, its harsh sentencing, and lack of clarity over application sets The Gambia apart from other regional countries on LGB&T issues.

The legislation was signed off by President Jammeh on 9 October and publicly confirmed on 19 November. The first test case took place in December, when three men were charged with "engaging in homosexual activity" in violation of the Criminal Code's "aggravated homosexuality" provision. The case is ongoing.

Under the EU Cotonou Agreement with The Gambia, development assistance is dependent on progress on human rights, democratic principles, and the rule of law. Progress is reviewed through regular dialogue held twice a year. The most recent meeting was scheduled to take place on 11 November, but was postponed by the Gambian government. On 26 November, President Jammeh

decided to suspend all further discussions with the EU.

Both the EU and the US have published statements condemning the Aggravated Homosexuality Bill. In December, the EU decided to halt its development aid to The Gambia due to the Gambian government's failure to improve its human rights. We will continue to press The Gambia to engage on human rights issues both bilaterally and through the EU.

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