

- [External Links](#)
 - [Information Alerts](#)
 - [Protection Starter Kit](#)
 - [Standards and Training](#)
 - [Refworld Personalization](#)
 - [UNOG Library](#)
 - [My Profile](#)
-
-
- Log in
- ☐ Remember Me
- [Forgot password?](#) [Register](#)
- [Home»](#)
 - [Gambia](#)
 - [Email this document](#)
 - [Printable version](#)

Freedom in the World 2017 - Gambia, The

Publisher [Freedom House](#)

Publication Date 12 July 2017

Cite as Freedom House, *Freedom in the World 2017 - Gambia, The*, 12 July 2017, available at: <http://www.refworld.org/docid/59831e99a.html> [accessed 15 March 2018]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom Status: Not Free

Aggregate Score: 20/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.0/7 (1 = Most Free, 7 = Least Free)

Political Rights: 6/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 2,100,000

Capital: Banjul

GDP/capita: \$472

Press Freedom Status: Not Free

Net Freedom Status: Not Free

The Gambia's political rights rating improved from 7 to 6 due to opposition candidate Adama Barrow's victory in the December 2016 presidential election, though the incumbent, Yahya Jammeh, was refusing to step down as of year's end.

OVERVIEW

The Gambia was ruled for more than two decades by President Yahya Jammeh and his party, the Alliance for Patriotic Reorientation and Construction (APRC). Jammeh, who took power in a bloodless coup in 1994, oversaw a regime that showed little respect for political rights or civil liberties. Government opponents, independent journalists, and activists faced intimidation, arbitrary arrest, torture, and disappearance, while women and minorities lacked equal rights. The Gambia's elections have been marred by violence and rigging, but the December 2016 presidential vote resulted in a surprise victory for opposition candidate Adama Barrow. Jammeh initially accepted the results before rescinding his concession days later, and it was unclear at the end of the year how the impasse would be resolved.

Key Developments in 2016:

- In April, the organizing secretary of the opposition United Democratic Party (UDP), Solo Sandeng, was reportedly tortured to death in state custody shortly after being detained during a peaceful demonstration for electoral reform.
- Days after Sandeng's arrest, UDP leader Ousainou Darboe was arrested during a peaceful protest to demand transparency about the fate of Sandeng and the release of political detainees. In July, Darboe and 29 other people were sentenced to three years in prison for their roles in the protests.
- In December, President Jammeh publicly conceded defeat to Barrow in that month's presidential election. Jammeh soon reneged on his statement, claimed that the election was not conducted fairly, called for a new vote, and filed a petition with the Supreme Court. However, the court lacked a quorum due to outstanding vacancies, and the dispute was unresolved at year's end.

Executive Summary:

As the December 2016 presidential election approached, the government used violence and intimidation to suppress peaceful opposition protests calling for electoral reform. Many opposition figures were arrested and prosecuted, and at least two UDP figures – organizing secretary Solo Sandeng and local constituency official Ebrima Solo Krummah – died in government custody.

In a surprise result, the Independent Electoral Commission (IEC) announced that Barrow, a UDP leader supported by a coalition of opposition parties, had garnered a plurality in the election, defeating Jammeh and a third candidate to take the presidency. After initially accepting the outcome, Jammeh reversed himself and called for a new election, filing a challenge with the Supreme Court that remained pending at year's end.

Throughout the year, the Jammeh regime continued to curtail freedom of expression, in part by enforcing restrictive laws on sedition. Teranga FM radio director Alagie Abdoulie Ceesay, who had been detained on sedition charges in 2015, escaped from government custody in April 2016 and was later convicted in absentia.

The authorities similarly disregarded freedom of association and the rule of law during the year, arbitrarily detaining a number of activists in addition to those involved in the opposition protests. One such activist, trade union leader Sheriff Dibba, died in state custody in February. Jammeh also continued to denounce LGBT (lesbian, gay, bisexual, and transgender) people.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 8 / 40 (+3)

A. Electoral Process 3 / 12 (+2)

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

The president is elected by popular vote and is eligible for an unlimited number of five-year terms. Elections have typically been violent and rigged. The two-week official campaign period is the only time that state television and radio stations devote significant airtime to the opposition. Moreover, 2015 amendments to the election law increased the registration deposit for presidential candidates from 10,000 dalasi to 500,000 dalasi (\$12,000), a considerable sum given the average annual income of \$450. The amounts required from National Assembly and mayoral candidates were raised to 50,000 dalasi, and the sum for local council candidates was increased to 10,000 dalasi.

Ahead of the December 2016 presidential election, international observers were not allowed into The Gambia, and internet and international telephone services were cut on election day. Despite these and other obstacles to a free and fair election, the IEC was apparently able to conduct an impartial vote count, declaring that Barrow had won with 43.3 percent, followed by Jammeh with 39.6 percent and Mama Kandeh of the Gambia Democratic Congress (GDC) with 17.1 percent. Jammeh initially conceded defeat, but after a key member of the president-elect's coalition told Britain's *Guardian* newspaper that Jammeh would be prosecuted after stepping down, Jammeh reversed his position, called the election flawed, and said a new vote would be held. He submitted a petition to the Supreme Court, which had been crippled by vacancies since 2015 and appeared unable to hear the case.

In mid-December, the Economic Community of West African States (ECOWAS) authorized a standby force to intervene militarily if a peaceful transfer of power did not begin by the last day of Jammeh's mandate, January 18.

Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote, with the remainder appointed by the president; members serve five-year terms. Six of seven opposition parties boycotted the most recent elections in 2012, after demands for electoral reform were rejected. The ruling APRC won 43 of the elected seats. African Union observers noted a "gross imbalance" between the resources of the APRC and those of other parties, and cited the presence of security personnel and traditional chiefs in polling stations. ECOWAS refused to send observers.

B. Political Pluralism and Participation 5 / 16 (+1)

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 open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Jammeh and the APRC long dominated politics, and the politicized security forces suppressed the opposition during 2016. Sandeng, the UDP's organizing secretary, was arrested along with other

opposition supporters in April for holding a protest calling for electoral reforms. He died in custody after reportedly being tortured. Two days after Sandeng's detention, the authorities arrested the leader of the UDP, Ousainou Darboe, and other important opposition officials for their role in another peaceful rally calling for the earlier detainees' release. Krummah, a UDP constituency official, died in custody in August, having been detained in another wave of arrests in May and allegedly tortured and denied medical treatment. By November, the government had arrested over 90 opposition supporters involved in election-related protests, according to Human Rights Watch. Thirty opposition figures, including Darboe, were prosecuted, convicted, and sentenced to three years in prison in July, though many were released on bail after Barrow's stunning election victory in December.

The 2015 election law amendments impose burdensome requirements on political parties. To register, parties must deposit over \$12,000; gather the signatures of 10,000 registered voters, up from 500; ensure that all executive members live in The Gambia; have offices in each of the country's administrative regions; provide audited accounts to the IEC; and hold biannual congresses. In April 2016, the IEC said eight parties had met the requirements ahead of the presidential election, two had been deregistered, and one was dissolved.

Members of Jammeh's minority Jola ethnic group held important positions in the government in 2016, and the APRC's dominance limited the extent to which any group could freely participate in the political system.

C. Functioning of Government 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The president exercises most control over decision-making, and government operations are generally opaque. Official corruption remains a serious problem. In September 2016, Justice Minister Mama Fatima Singhateh said the government was set to validate a draft Anti-Corruption Bill backed by the UN Development Programme that would create a national Anti-Corruption Commission. Singhateh said the commission would investigate and facilitate prosecution of corruption cases, and would aid in asset recovery. However, in practice the Jammeh regime did not tolerate independent corruption monitoring by civil society groups or journalists, prosecutions of officials appeared limited and selective, and enforcement of asset-disclosure rules was weak. Asset declarations were required for all candidates in the 2016 presidential election, but Jammeh did not comply.

Civil Liberties 12 / 60 (-1)

D. Freedom of Expression and Belief 3 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

Laws on sedition give the government discretion in silencing dissent, and independent journalists are subject to harassment, arrest, and violence. There are harsh criminal penalties for use of the internet to criticize government officials and providing "false information" to a public servant. Alagie Abdoulie Ceesay, director of Taranga FM, was abducted by suspected government agents in July 2015, detained by the National Intelligence Agency (NIA) later that month, and charged with sedition for allegedly sharing an anti-Jammeh photograph via mobile phone. He was reportedly tortured in custody. In April 2016, Ceesay escaped from a hospital where he had been taken for treatment. In November, he was convicted in absentia on three counts of sedition and spreading of false news and sentenced to two years in prison and a fine of \$4,670, according to media reports.

State-run outlets dominate the media landscape. There are no private television stations, but a small number of privately owned newspapers and radio stations operate. Many opposition and news websites are blocked. Self-censorship among journalists is common. In April 2016, the Gambian Press Union estimated that 20 percent of Gambian journalists were living in exile.

Religious freedom is enshrined in the constitution, but Jammeh declared the country to be an Islamic state in December 2015. He is supported by the Supreme Islamic Council, whose members have discriminated against Ahmadi Muslims. In June 2016, a police statement announced that music, dancing, and drumming would be banned during the month of Ramadan, and that violators would be subject to arrest. Religious instruction in schools is mandatory.

Academic freedom is severely limited at the University of The Gambia. Free and open private discussion is curtailed due to credible fears of government surveillance and retaliation. Despite the repressive environment, university student and faculty associations joined other civil society organizations in urging a peaceful handover of power from Jammeh to Barrow in December 2016.

E. Associational and Organizational Rights 2 / 12 (-1)

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Freedoms of assembly and association are legally protected. However, Gambian criminal law calls for protest organizers to seek permits from the inspector general of police, and police do not reliably issue permits for such events. The crackdown on UDP-led protests in April 2016 was justified on the grounds that the organizers had not obtained permits.

Nongovernmental organizations (NGOs) in the country operate under constant threat of reprisals and detention of staff. Workers - except for civil servants, household workers, and security forces - can form unions, strike, and bargain for wages, but the labor minister has the discretion to exclude other categories of workers, and legal protections are poorly enforced. In January 2016, the government banned the GNTCA, which had demanded lower fuel prices, and several of its leaders were arrested. In February, GNTCA secretary general Sheriff Dibba died in government custody, international rights groups alleged that he had been denied proper medical attention after becoming ill during his detention, while the International Transport Workers' Federation cited reports that he had been tortured.

F. Rule of Law 1 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian

control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

Although the constitution guarantees an independent judiciary, the president selects and dismisses judges. Jammeh's dismissal of judges from the Supreme Court in 2015 left it unable to hear cases after May of that year. In December 2016, when Jammeh filed a challenge to Barrow's election victory with the Supreme Court, Chief Justice Emmanuel Olusegun Fagbenle announced that the petition could not be heard before January 2017, as replacement judges had yet to be sworn in. Critics questioned the legitimacy of a process in which Jammeh would effectively be selecting the judges for his own case.

In October 2016, the government announced that The Gambia would withdraw from the International Criminal Court. However, following the presidential election, Barrow said he would reverse that decision.

The judicial system recognizes customary and Islamic law, primarily for personal status and family matters. Impunity for the security forces is a problem. The NIA is authorized to search, arrest, or seize any person or property without a warrant in the name of state security. Prisons are overcrowded and unsanitary, and torture is reportedly common.

Activists, journalists, and government opponents are often jailed without charge for longer than the 72 hours allowed by law. For instance, the former deputy minister of foreign affairs, Sarjo Jallow, was arrested in September 2016 and remained in state custody at year's end, reportedly held by the NIA without charge, even though the High Court in Banjul had granted him bail in October. Similarly, Haruna Gassama, president of the Rice Farmers' Cooperative Society, was detained by the NIA for 185 days in 2015, rearrested in April 2016, and still in incommunicado detention at year's end.

The Gambia's ethnic groups coexist in relative harmony, though Jammeh is accused of giving preferential treatment to the Jola, whose presence in the army reportedly increased after a 2014 coup attempt. In June 2016, Jammeh referred to Gambian members of the Mandinka ethnic group as foreigners and threatened them with death if they attempted to oppose him.

Consensual same-sex sexual relationships remain a criminal offense. Even an attempted sex act can draw seven years in prison, and defendants with repeat offenses or who are HIV positive face life imprisonment for "aggravated homosexuality." Jammeh continued to condemn homosexuality in inflammatory terms in 2016.

G. Personal Autonomy and Individual Rights 6 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

State employees must obtain permission from the administration to travel abroad, and authorities often seize the documents of arrested individuals, preventing them from traveling after their release. Freedom of movement within the country is impaired by security checkpoints.

Property rights are not secure. Village chiefs allocate land for various uses, but poor record keeping and high rates of turnover in village hierarchies foster land disputes and confusion about ownership and leases. Problems with due process related to the illegal seizure of land also persist. Regulatory hurdles impede the establishment and operation of businesses.

Women enjoy less access to higher education, justice, and employment than men. Sharia (Islamic law) provisions on family law and inheritance discriminate against women. Rape and domestic violence are common, despite laws prohibiting them. In July 2016, the National Assembly passed a law criminalizing child marriage. Female genital mutilation is widespread, though it was criminalized in a 2015 law.

Although child labor and forced labor are illegal, women and children are subject to sex trafficking, domestic servitude, and forced begging. The government does little to prosecute offenders or to identify and protect victims of human trafficking.

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword
and / or country

[Advanced Search](#) | [Search Tips](#)

Countries

- [Gambia](#)

Topics

- [Corruption](#)
- [Death in custody](#)
- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of movement](#)
- [Freedom of religion](#)
- [Independence of judiciary](#)
- [Opposition](#)
- [Political parties](#)
- [Protests / Demonstrations / Riots / Civil unrest](#)
- [Rule of law / Due process / Procedural fairness](#)
- [Torture](#)