



FREEDOM IN THE WORLD 2020

The Gambia

PARTLY FREE

46

/100

<u>Political Rights</u>	20 /40
<u>Civil Liberties</u>	26 /60

LAST YEAR'S SCORE & STATUS

45 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



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Overview

The Gambia was ruled for over two decades by former president Yahya 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 to free assembly, association, and expression improved thereafter, but the progress toward the consolidation of the rule of law is slow. LGBT+ individuals face severe discrimination, and violence against women remains a serious problem.

Key Developments in 2019

- In May, eight former soldiers were convicted of plotting to overthrow the Barrow government in 2017. According to court documents, the coup plotters were in communication with former president Jammeh and were led by one of Jammeh's former military aides.
- The findings of an official commission established to look into the corruption of the Jammeh regime were released in September, and documented extensive financial misconduct and waste by the former president and his close allies. The Barrow government has indicated that they will pursue legal means to recoup the lost monies. The former ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), rejected the findings.
- In November, the Constitutional Review Commission released a draft of a new constitution. While the draft was praised for instituting term limits for the office of the president, the omission of a statement that Gambia is to remain a secular country prompted concern among civil society.
- Barrow launched a new party, the National People's Party, in December. The development was prompted by a widening rift in the United Democratic Party (UDP), which had backed Barrow's 2016 run for president.

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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?	2/4
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The president is directly elected to a five-year term. There are currently no term limits, though a draft constitution released in late 2019 proposes a limit of two five-year terms. 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, the candidate for a coalition of opposition parties, had won.

Incumbent president Jammeh initially conceded defeat, but then reversed his position, and had not stepped down by the time Barrow was inaugurated in Senegal in January 2017. The Economic Community of West African States (ECOWAS) then 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. Within days of the deployment, Jammeh conceded defeat and left the country, allowing Barrow to take office.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	3/4
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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 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, 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 backed Barrow and had previously been in opposition, won 31 seats, amounting to an absolute majority.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	2/4
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The Independent Electoral Commission (IEC) adequately managed the 2017 National Assembly elections, as well as local elections held in April and May 2018, 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 November 2019, the Constitutional Review Commission released a draft of the new constitution, which if approved would institute term limits for the office of the president.

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
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Around a dozen political parties are registered and operate in Gambia. To register a new party, organizers must pay a 1 million dalasi (about \$20,000) 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.

Prior to the 2016 presidential election, Jammeh's Alliance for Patriotic Reorientation and Construction (APRC) had long dominated politics. The UDP has largely taken over the role as the dominant party, but a split between Barrow (formerly of the UDP) and Ousainou Darboe (the UDP leader) is challenging the party's dominance. In late December 2019, the IEC announced that it had approved the formation of a new Barrow-led political party, the National People's Party (NPP).

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>3/4</p>
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The UDP won 31 seats in the 2017 National Assembly elections, taking an absolute majority and displacing Jammeh's APRC, which had dominated the legislature over a period of two decades. A number of independent candidates and representatives of smaller parties were successful in the 2017 national and 2018 local elections.

Minor clashes between UDP and APRC supporters occurred during 2019. Late in the year, after a political split between Barrow and the leader of the UDP, Barrow launched the NPP. The Barrow Youth Movement and the Barrow Fans Club began establishing support for the new party prior to its formation, and critics have argued that those groups are reminiscent of the associations fostered by President Jammeh, who used such organizations to legitimize his decades-long rule.

In 2019, there was a debate in Gambia about whether Barrow should step down during the year, or serve his entire five-year term. A memorandum of understanding between the parties that backed Barrow in the 2016 election stipulated that the coalition's candidate, if successful, would serve for a three-year transitional period. Members of the Barrow government and several political parties have since indicated their support for Barrow serving the entire five-year term, however, prompting some concerns that Barrow is seeking to consolidate power in a manner reminiscent of

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Jammeh. A pressure group, 3 Years Jotna, held demonstrations in December 2019 demanding that Barrow stick with the original three-year timetable.

B3 0-4 pts

<p>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?</p>	<p>2/4</p>
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While people’s political choices are more free from the undue dominance of unelected groups since the end of Jammeh’s 22-year rule, military forces and foreign powers remain influential in Gambian politics. The ECOWAS Mission in The Gambia, known by its acronym ECOMIG, was scheduled to end in May 2018, but its mandate has been repeatedly extended at the request of the Barrow government to further facilitate security-sector reform, and due to ongoing concerns that pro-Jammeh loyalists in the military could cause political instability.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>2/4</p>
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While political rights and electoral opportunities have recently improved, women remain underrepresented in politics. The National Assembly elected in 2017 includes the first-ever woman speaker, and a disabled person; both are presidential appointees.

Since ethnic tensions escalated toward the end of the Jammeh regime, both the APRC and UDP have become more ethnically polarized, with Jola people largely gravitating toward the APRC and Mandinkas supporting the UDP. There is thus widespread concern that Gambian politics are becoming more “ethnicized,” and conflicts between the majority Mandinka ethnic group and other groups in the country becoming more common.

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
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Nonstate actors, armed forces, and foreign governments do not appear to enjoy preponderant influence over the Barrow regime. However, despite these improvements, representative rule has yet to be consolidated.

In May 2019, eight soldiers were convicted of plotting to overthrow the Barrow government in 2017. According to court documents, the coup plotters were in communication with former president Jammeh and were led by one of Jammeh's former military aides.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	1/4
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The Barrow government has undertaken limited initiatives to reduce corruption, which remains a serious problem. Allegations of corruption by officials at all levels of government are frequently lodged, and both state and semistate agencies face allegations of improperly funneling money to private citizens.

The results of an official inquiry into former president Jammeh's use of state funds for private gain was published in September 2019, and showed widespread corruption by the former president and his associates, as well as by prominent financial institutions. The Barrow government has promised to address these findings, but domestic observers have expressed concerns about selective justice.^{TOP} The APRC, for its part, disputed the findings and promised to issue its own report on the matter.

Gambians continue to call for laws establishing an anticorruption commission. The Barrow government promised in September 2018 to establish one, but has yet to do so.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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Government operations are generally opaque. As of 2018, government officials are 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. Key licensing processes, especially for industries reliant on natural resources, are not transparent.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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The environment for media has improved significantly under Barrow's administration. More people are entering the profession, exiled journalists have returned to the country, and there has been a proliferation of new private outlets in the print, ~~TOP~~ and radio and television sectors. In early 2019, the government exempted print media from the National Education and Technical Levy, a tax that media groups argued was designed to restrict freedom of the press.

Nevertheless, some restrictive media laws remain on the books, and some have been upheld by courts. Reports of harassment of journalists by police continue.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	2/4
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The Barrow government has maintained that the Gambia is a secular society in which all faiths can practice freely. In practice, non-Sunni Islamic groups experience discrimination. Ahmadiyya Muslims have been publicly denounced as non-Muslims by the quasigovernmental Supreme Islamic Council, and a 2015 fatwa by the council denied Ahmadiyya burial rights in Muslim ceremonies.

The draft constitution released in November 2019 by the Constitutional Review Commission omitted a statement that Gambia is a secular country, prompting concern among civil society.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	2/4
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Academic freedom was severely limited at the University of the Gambia under Jammeh. However, since Barrow took office, the environment for the free exchange of ideas among students and professors has improved, despite lingering challenges. Lecturers still face political pressure at times.

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
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Following years of repressive rule under Jammeh, freedom for ordinary people to express views of a political nature without fear of retaliation has increased since

Barrow's administration took power. However, sedition laws remain on the books and in 2018 were upheld by the Supreme Court. Some analysts argue that the laws could be used to criminalize criticism of the government on social media.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	2/4
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The constitution guarantees freedom of assembly, but the Public Order Act, which was used by Jammeh to restrict protests, was upheld by the Supreme Court in late 2017. Under the act, permits from the police inspector general are required for public assemblies. The government has imported new equipment including water cannons, which in 2019 were positioned at pro-Barrow rallies in order to respond to any “rudeness,” according to officials, presumably by counterprotesters. Allies of Barrow have threatened force in response to planned antigovernment protests.

Large protests took place in the major cities of Brikama and Serrekunda in July 2019. The protests in Brikama were over the lack of basic services, while the protests in Serrekunda were over the death of a market vendor after his apprehension by police. In both cases, there were multiple arrests and injuries as a result of police action.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	
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There are a number of nongovernmental organizations (NGOs) in the Gambia focused on human rights and governance issues. Under Jammeh, NGO workers faced a serious risk of detention and other reprisals, but there have few reports of such

suppression since Barrow took power. Environmental groups, however, have reported harassment by security forces.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2/4
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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 significant government restrictions, although several lack organization and funds.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	2/4
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The Barrow government has taken multiple steps to improve the functioning of 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 the backlog of cases, giving courts greater budgetary autonomy, and reconstituting the Judicial Service Commission, which appoints lower-court magistrates and advises the president on higher-level appointments and on matters of court efficiency and operations. Nonetheless, the executive still dominates judicial appointments.

Score Change: The score improved from 1 to 2 due to a series of judicial reforms^{TOP} since 2017, including the reconstitution of the Judicial Service Commission and taking steps to replace contract judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1/4
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Constitutional guarantees of due process remain poorly upheld, but the situation has improved under President Barrow. Political dissidents face less risk of arrest and prosecution. There were several high-profile reports of arbitrary detention in 2018 but fewer such during 2019; most of those detained were released after a short time with no explanation.

The government has taken steps to arrest and prosecute security officers responsible for human rights abuses during the Jammeh regime. The trial of seven former officers in the reformed and renamed National Intelligence Agency, now the State Intelligence Services, who are accused of the 2016 murder of activist Ebrima Solo Sandeng, continued through 2019.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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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, though they remain dire. A Human Rights Commission began operations in 2019 after commissioners were appointed, but its impact has yet to be seen.

In October 2018, the government established the Truth, Reconciliation, and Reparations Commission to investigate human rights abuses committed during the Jammeh era, and its hearings were ongoing during 2019. Testimony by several affiliates of the previous president confirmed widespread abuse and torture by the security forces and an extrajudicial hit squad locally known as the “junglers,” as well as abuses by Jammeh himself. However, testimony has not yet led to any prosecutions, and the release of some perpetrators has been controversial.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4
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A number of groups encounter serious difficulties in exercising their human rights. Legal protections for disabled persons require strengthening and enforcement. LGBT+ people face severe societal discrimination, and same-sex relations remain criminalized. The Gambian government confirmed in 2019 that it had no plans to decriminalize homosexuality. 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

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2/4
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There are no legal restrictions on freedom to change one’s place of residence or employment. Freedom of movement is not legally restricted but is hampered by security checkpoints in practice.

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 TOP
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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. Land ownership is a contentious issue in the Gambia, with conflicts sometimes escalating into violence. In 2019, there were multiple reports of land disputes between communities that led to extensive destruction of property. These disputes are exacerbated by unclear division of responsibilities between traditional and state authorities.

G3 0-4 pts

<p>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</p>	<p>1/4</p>
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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 (FGM) was outlawed in 2015, but is still practiced by some; there is some evidence that rates of FGM and child marriage have increased since the end of the Jammeh regime. In November 2018, the Ministry of Justice established a specialized unit to address sexual and gender-based violence. In 2019, the Barrow government signed several ECOWAS acts, notably those that aim to end child marriage, though any deterrent effects have yet to be seen.

G4 0-4 pts

<p>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</p>	<p>1/4</p>
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Enforcement of labor laws is inconsistent. 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. However, the impact of these changes has been modest.

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On The Gambia

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Country Facts

Global Freedom Score

46/100 Partly Free

Internet Freedom Score

48/100 Partly Free

Other Years

2019

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1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

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info@freedomhouse.org

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press@freedomhouse.org

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