



**Year:**

2016

**Freedom Status:**

Not Free

**Political Rights:**

7

**Civil Liberties:**

6

**Aggregate Score:**

18

**Freedom Rating:**

6.5

**Overview:**

The regime of President Yahya Jammeh tightened legal restrictions on the beleaguered opposition during 2015. With a presidential election due in 2016, the parliament, dominated by the ruling Alliance for Patriotic Reorientation and Construction (APRC), passed legislation in July that dramatically raised the

registration deposits required for presidential, legislative, mayoral, and local council candidates.

Jammeh pardoned over 300 prisoners in mid-2015 during the month of Ramadan. Although more than a dozen political prisoners were among those released, others remained behind bars at year's end, including members of the opposition United Democratic Party (UDP). The president also further undermined the independence of the judiciary by forcing out three Supreme Court judges in May and June following rulings that favored former military commanders accused of involvement in 2006 and 2009 coup plots.

Security forces continued to harass journalists and opposition activists in 2015, and Jammeh repeated his public threats against LGBT (lesbian, gay, bisexual, and transgender) people. At the end of the year, the parliament passed a law that banned female genital mutilation.

Political Rights and Civil Liberties:

**Political Rights: 5 / 40 (-2) [Key]**

**A. Electoral Process: 1 / 12 (-1)**

The president is elected by popular vote and is eligible for an unlimited number of five-year terms. Elections are violent and rigged. Before the 2011 presidential poll, which featured deadly clashes between government supporters and opponents, the Independent Electoral Commission failed to share the electoral register with opposition parties, shortened the campaign period, and hampered opposition campaigns. Jammeh secured his fourth term with 72 percent of the vote; opposition parties rejected the results as fraudulent.

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 2012 legislative elections after demands for electoral reform were rejected. The APRC won 43 elected seats. African Union observers noted a “gross imbalance” between the resources of the APRC and other parties, and the presence of security personnel and traditional chiefs in polling stations. The Economic Community of West African States (ECOWAS) refused to send observers.

In July 2015, the parliament passed amendments to the election law that 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 just \$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. Jammeh also rejected ECOWAS's proposed two-term limit for presidents in West Africa as the country prepared for a presidential election in 2016.

### **B. Political Pluralism and Participation: 4 / 16 (-1)**

Jammeh and the APRC dominate politics, and the politicized security forces suppress the opposition. Although Jammeh pardoned over 300 prisoners in mid-2015, political opponents who remained incarcerated included the UDP's national treasurer and two other UDP members. The three were convicted of sedition in 2013 and have allegedly been tortured in custody.

The July 2015 election law amendments imposed prohibitive new registration requirements on political parties. Most notably, 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, and hold biannual congresses.

Members of Jammeh's minority Jola ethnic group hold important positions in the government, and the dominance of the APRC limits the extent to which any group can participate and advocate for its interests in the political system.

### **C. Functioning of Government: 0 / 12**

The president, who is not freely elected, exercises most control over decision making, and government operations in general are opaque. Official corruption remains a serious problem, and reports of state officials participating in drug trafficking have been numerous. In February 2015, Jammeh told the National Assembly that an anticorruption commission formally established under a 2012 law would soon be fully operational. The Gambia was ranked 123 out of 168 countries and territories assessed in Transparency International's 2015 Corruption Perceptions Index.

## **Civil Liberties: 13 / 60**

### **D. Freedom of Expression and Belief: 3 / 16**

Laws on sedition give the government discretion in silencing dissent, and independent media outlets and 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. Journalists are often jailed without charge for longer than the 72 hours allowed by law.

State-run outlets dominate the media landscape. Ownership of private television stations is prohibited, but a small number of privately owned newspapers and radio stations operate. Many opposition and news websites are blocked. Alagie Ceesay, director of Taranga FM, was detained for one day in January 2015 following a failed December 2014 coup, and was released with instructions to air only music and no news. The station eventually resumed regular coverage. Ceesay was then abducted by suspected government agents in July, detained by the National Intelligence Agency (NIA) later that month, and charged in August with sedition for allegedly sharing an anti-Jammeh photograph via mobile phone. Separately in July, staff writers for the *Voice* newspaper were summoned by the NIA, photographed, and interrogated for several hours.

The paper had recently come under pressure from its printer over its coverage of the opposition and human rights issues.

Religious freedom is generally protected. However, the authorities occasionally target Muslim groups or clerics who depart from practices condoned by the Supreme Islamic Council, which has close ties to the government. Religious instruction in schools is mandatory.

Academic freedom is severely limited at the University of The Gambia, with security forces on campus and political activities discouraged. The APRC controls curriculum decisions and appointments. Sait Matty Jaw, a history lecturer who had been arrested and charged with conspiracy in 2014 based on his research and advocacy on women's rights, was acquitted in April 2015, but the government said it would appeal.

Free and open private discussion has been steadily eroded over the past decade by credible fears of government surveillance and retaliation.

## **E. Associational and Organizational Rights: 3 / 12**

Freedoms of assembly and association are legally protected but constrained by state intimidation. While legal requirements for holding peaceful assemblies are not extremely onerous, meetings using public announcement systems require registration. The UDP sought such registration for a series of campaign events across the country in April 2015, but the police delayed replying until the eve of the tour. When UDP members proceeded without a public announcement system, police physically blocked their movements in a tense standoff for four days before issuing a permit.

Nongovernmental organizations (NGOs) in the country operate under constant threat of reprisals and detention. Workers—except for civil servants, household workers, and security forces—can form unions, strike, and bargain for wages under the law, but the labor minister has the discretion to exclude other categories of workers.



## **F. Rule of Law: 1 / 16**

Although the constitution guarantees an independent judiciary, Jammeh selects and dismisses judges. In May 2015, the chief justice of the Supreme Court, a Pakistani national, reportedly resigned under pressure and was forced to leave the country after the court acquitted or commuted the death sentences of several former military commanders who had been convicted in connection with coup plots from 2006 and 2009. The president dismissed two other Supreme Court judges, apparently for similar reasons, in June. Separately, in March, two officers and a soldier were given death sentences and three other officers were sentenced to life in prison following a secret trial for their alleged role in the December 2014 coup attempt. Dozens of family members of suspected 2014 coup plotters were also detained through early 2015, with some held for nearly six months.

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.

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 the 2014 coup attempt.

Consensual same-sex sexual relationships are 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." In May 2015, Jammeh gave a speech in which he threatened to slit the throats of gay men.

### **G. Personal Autonomy and Individual Rights: 6 / 16**

State employees must obtain permission from the administration to travel abroad, and it is a criminal offense to abscond while on government business in another country. Freedom of movement is also impaired by security checkpoints. Some of the numerous checkpoints set up after the 2014 coup remained in place in early 2015.

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 and employment than men. Sharia provisions on family law and inheritance discriminate against women. Rape and domestic violence are common, despite laws prohibiting them. Female genital mutilation is widespread in The Gambia, though a law passed in December 2015 criminalized the practice.

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 identify and protect victims of human trafficking in the country.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

## **Full Methodology**

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**Source URL:** <https://freedomhouse.org/report/freedom-world/2016/gambia>