

The Gambia - Human Rights Scorecard ¹

The Gambia, the smallest country within mainland Africa, lies on the coast of the Atlantic Ocean. The slave trade was a main factor in keeping it a colony by the Portuguese and later by the British Empire. It gained independence in 1965. In 2016, Yahya Jammeh refused to accept his defeat in the Gambia's federal elections. This triggered a constitutional crisis which resulted in a military intervention that led to his exile. Serious human rights issues in Gambia include harsh prison conditions, violence against women and girls, and human trafficking.

Official language: English

Ethnic groups: 34.4% Mandinka; 24.1% Fula; 14.8% Wolof; 10.5% Jola; 8.2% Serahuli; 3.1% Serer; 1.9% Manjago; 1.3% Bambara; 0.5% Aku Marabou; 1.5% other

Government: Unitary presidential republic under a parliamentary system

- President: Adama Barrow
- Vice President: Isatou Touray

Death penalty: Retentionist

Population: 2.28 million

Life expectancy: 61.44 years

Under-5 mortality: 58.4 per 1000

Adult literacy: 50.78 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.466 – Low Human Development ³

According to the UNDP, The Gambia has a gross national income per capita of \$1,490 and could expect to have on average 9.5 years of schooling. Compared to other countries with comparable gross national income per capita, this is a high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There were no reports that government agents committed arbitrary or unlawful killings.

Freedom from disappearance



Respected ⁵

There have been no reports of disappearances in The Gambia.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Respected ⁶

The law prohibits torture, and there were no reports that the government or its agents committed such practices.

Freedom from arbitrary arrest or detention



Respected ⁷

Arbitrary detentions and arrests are prohibited by law, and each person is allowed to challenge the lawfulness of his or her arrest in court. The government upholds these laws effectively, and there were no reports of arbitrary arrests.

Freedom from denial of fair public trial



Respected⁸

The constitution provides for an independent judicial system, and the government usually respects the independence of the judiciary.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

The constitution prohibits such practices, and the government generally respects these prohibitions. There have been no reports of any arbitrary or unlawful interferences.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 30.62, Rank: 87 / 180 – Partially controlled, limited or intimidated¹¹

Although president Barrow has promised to create an environment favorable to press freedom, a long history of suppression makes that difficult. Two radio stations were shut down and their managers arrested for allegedly inciting hate in their coverage of protests.

Freedom from academic censorship



Respected¹²

There have been no reports of government restrictions on academic freedom.

Freedom of peaceful assembly and association



Respected¹³

The law protects the freedoms of peaceful assembly and association, and the government continues to respect such rights.

Freedom of religion



Respected¹⁴

The constitution provides for freedom of choice, as long as doing so does not impinge on the rights of others or national interest. The law also prohibits religious discrimination and formation of political parties based on religious affiliation. The government generally protects these rights.

Freedom of movement



Partially respected¹⁵

The law protects the freedom of movement, international travel and emigration, and the government respects these freedoms. However, the police often set up checkpoints, and those without identification documents were subject to detention or forced to pay bribes.

Protection of refugees and stateless persons



Respected¹⁶

The law provides for granting refugee status, and The Gambia Commission for Refugees worked with the UNHCR for the protection of refugees.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



26/60 – Partly free¹⁹

Although journalists have claimed Barrow's government brought improvements to freedom in the media, some restrictions still apply. The constitution guarantees freedom of assembly with restrictions. The judiciary is corrupt and inefficient.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



20/40 – Partly free²¹

The president is elected to five-year terms with no term limits. Currently, there are 10 different political parties in The Gambia. While people's political choices are more free than earlier years, Gambian politics are still influenced by military and foreign powers.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 37%, Rank: 96/180 – Highly corrupt²³

The law provides criminal punishment for government corruption. However, government officials have engaged in corrupt practices with impunity.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²⁴

Several local and international human rights groups operate without restriction from the government. However, the law requires NGOs to register with the National Advisory Council, which has the authority to deny or suspend any NGO.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



Listed – Dangers faced by minorities²⁶

There are existing tensions among different ethnic groups.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 62.8%, Rank: 136/153 – Very unequal rights²⁸

The law criminalizes rape and domestic violence, but spousal rape is widespread and legal. Although the law bans FGM/C, it remains deeply rooted in society and is rarely reported.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 53%, Rank: 142/182 – Highly vulnerable³⁰

It is compulsory for children to attend primary and lower-secondary school, which is tuition-free. Although sex trafficking is illegal, many children are exploited in brothels, especially by tourists. The legal age for marriage is 18.

Rights of persons with disabilities



Largely disrespected³¹

Discrimination based on disability is prohibited by law. However, the law does not provide equal access to health, education, and employment for persons with disabilities. Children with disabilities attended school at a much lower rate than other children.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected³²

No laws limit the participation of members of minorities in the political process. There remain ethnic tensions which the new government has been trying to mitigate through a Truth, Reconciliation and Reparations Commission.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{33 34}

"Aggravated homosexuality" is a crime punishable by life imprisonment. There is strong societal discrimination against LGBTQ individuals.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Largely Disrespected³⁵

The law provides that workers, with exceptions, are free to form and join independent unions and bargain collectively. However, the government does not uphold such laws effectively, and there are persistent abuses of freedom of association.

Freedom from forced or compulsory labour



Largely disrespected³⁶

The law prohibits any form of forced or compulsory labor, but the government does not enforce the law effectively. Penalties are insufficient to deter violations. Women and children are subjected to human trafficking for domestic labor and commercial sexual exploitation.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³⁷

The law does not prohibit the worst forms of child labor. The penalties for child labor law violations are not sufficient to deter violations. Child labor in the informal sector is unregulated. Children regularly work as street vendors and domestic laborers.

Right to acceptable conditions of work



Largely disrespected³⁸

Minimum wage is less than the World Bank's international poverty line. The government does not properly enforce labor laws. Wage and safety standards are not enforced in the informal sector, where most workers are employed.

Right to employment



8.9% - High unemployment³⁹

The unemployment rate in The Gambia is high. It is the lowest it has been in the past two decades.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, The Gambia" UNDP, based on 2014 or the most recent year available. Accessed April 29, 2020. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2019 The Gambia." U.S Department of State. January 1, 2019. Accessed April 29, 2020. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ “World Press Freedom Index.” Reporters Without Borders: For Freedom of Information. January 1, 2019. Accessed April 29, 2020. <http://rsf.org/index2014/en-index2014.php>.

¹² “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ Ibid. U.S Department of State.

¹⁴ “The Gambia.” International Religious Freedom Report for 2019. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁶ “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House’s Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ “The Gambia.” Freedom in the World 2014: The Gambia. January 1, 2014. Accessed April 29, 2020. <https://freedomhouse.org/report/freedom-world/2014/bahrain-0#.VIIHLzGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ “The Gambia.” Freedom in the World 2014: The Gambia. January 1, 2014. Accessed April 29, 2020. <https://freedomhouse.org/report/freedom-world/2014/bahrain-0#.VIIHLzGG9e8>.

²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ “The Gambia.” Corruption by Country. January 1, 2014. Accessed April 29, 2020. <http://www.transparency.org/country#BHR>.

²⁴ “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

²⁶ “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁷ This metric is based on the World Economic Forum’s Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ “Bahrain.” World Economic Forum. January 1, 2014. Accessed November 25, 2014. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ “The KidsRights Index: Overall Ranking.” The KidsRights Index. Accessed June 30, 2020. <http://www.kidsrightsindex.org/>

³¹ “Country Reports on Human Rights Practices for 2019 The Gambia.” U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ “ILGA World Map.” International Lesbian Gay and Intersex Association. January 1, 2014. Accessed April 29, 2020. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2019 The Gambia." U.S Department of State. January 1, 2019. Accessed April 29, 2020.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed April 29, 2020. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm.