

GAMBIA 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for the freedom of religious choice, as long as doing so does not impinge on the rights of others or the national interest. It prohibits religious discrimination, establishment of a state religion, and formation of political parties based on religious affiliation. Two years of drafting a new constitution and a parliamentary debate described by media as polarized and acrimonious came to an end when the legislature in September rejected the new constitution. Although not the main issue of contention, the omission of the word “secular” in the draft generated debate during the ratification process. Some members of the Christian community had advocated the inclusion of the word “secular” in the description of the republic, stating that the omission of the specific reference to the secular nature of the state left open the possibility of minority persecution and the unilateral formation of an Islamic government, although other provisions of the draft constitution guaranteed religious freedom and nonestablishment of a state religion. Some Muslim commentators said the country “should remain a nonsecular state” in recognition not only of its 95-percent Muslim majority and interpretations of Quranic law, but also of the overwhelming importance of religious faith in the country to both Muslims and Christians. In televised statements during religious holidays, President Adama Barrow stressed the need for continued religious freedom and tolerance.

There continued to be tension between the majority Sunni Muslim and the minority Ahmadiyya Muslim communities. The Supreme Islamic Council (SIC), a religious body tasked with providing Islamic religious guidance, continued to state the Ahmadiyya community did not belong to Islam, and the council did not include members of the community in its events and activities.

While the global COVID-19 pandemic impacted the nature of U.S. embassy engagement, the Ambassador and other embassy officials regularly met with government officials to discuss religious freedom and tolerance. Embassy representatives held meetings with religious leaders of different faith groups to emphasize the importance of continued religious tolerance. The embassy shared messages on social media to celebrate religious holidays and the importance of religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 2.2 million (midyear 2020 estimate). Approximately 95.7 percent of the population is Muslim, most of whom are Sunni, with a small Ahmadi Muslim population. The Christian community makes up 4.2 percent of the population, the majority of whom are Roman Catholics. Religious groups that together constitute less than 1 percent of the population include Baha'is, Hindus, and Eckankar members. Some individuals mix indigenous beliefs with Islam and Christianity.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states, “Every person shall have the freedom to practice any religion and to manifest such practice” subject to laws that may impose such “reasonable restrictions” as necessary for national security, public order, decency, or morality. The constitution also states that such freedom “not impinge on the rights and freedoms of others or on the national interest, especially unity.” The constitution prohibits religious discrimination, the establishment of a state religion, and religiously based political parties. It provides for the establishment of *qadi* courts, with judges trained in the Islamic legal tradition. The courts are located in each of the country’s seven regions, and their jurisdiction applies only to marriage, divorce, child custody, and inheritance where all the involved parties are Muslims. Citizens may choose to use either the civil or *qadi* courts.

There are no formal guidelines for registration of religious groups. Religious groups that do not provide social services are not legally required to register. Faith-based groups that provide social services as nongovernmental organizations (NGOs) must meet the same eligibility criteria as other NGOs. By law, all NGOs are required to register with the NGO Affairs Agency and register as charities at the attorney general’s chambers under the Companies Act. They are required to have governing boards of directors of at least seven members responsible for policy and major administrative decisions, including internal control. This law also requires that all NGOs submit to the NGO Affairs Agency a detailed annual work program and budget, a detailed annual report highlighting progress on activities undertaken during the year, work plans for the following year, and financial statements audited by NGO Affairs Agency-approved auditors. The government has stated the submissions help the NGO Affairs Agency monitor NGO activities.

The law does not require public or private schools to include religious instruction in their curricula. The government, through the Ministry of Basic and Secondary Education, provides religious education teachers to public schools to teach an academic course on major world religions. The majority of public schools offer this course, and most students take the class. Some private schools also offer classes in religious education and tolerance and provide an overview of major world religions.

The constitution bans political parties organized on the basis of religion.

The Ministry of Lands and Regional Affairs continued to oversee the portfolio of religious affairs.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In September, the National Assembly rejected the draft of a proposed new constitution, for which consultation and drafting began in 2018. During debate over the draft, the Gambia Christian Council (GCC) and the SIC disagreed over the inclusion of the word “secular” in the draft constitution to describe the nature of the state. The 1997 constitution currently in effect does not include the phrase. The GCC said, however, that the language was needed, since former President Yahya Jammeh had declared the country an “Islamic Republic” in 2015 – a declaration that was rescinded by President Adama Barrow soon after he took office in 2017. President Barrow refrained from any public comment on the debate concerning the inclusion of the word “secular” in the draft constitution. Sources stated that members of the National Assembly supportive of the President rejected the draft constitution for reasons unrelated to the “secular” issue, but rather because of limitations on executive power and retroactive presidential term limits.

The GCC stated that the draft constitution lacked three key guarantees and safeguards: the country’s secular identity as currently guaranteed in law by an act of parliament, protection against discrimination and persecution of minority groups, and the protection of the state against another unilateral declaration of an Islamic Republic. Christian commentators also said that the introduction of a sharia high court in the draft constitution to run parallel to the High Court would be discriminatory to both Christians and women. They also expressed concern that the draft expanded the authority of sharia courts and gave them jurisdiction over

Christians in interfaith marriages and families, although the drafters disputed this interpretation.

The Muslim community, through the SIC, said the country should remain a nonsecular state, reflecting the country's Islamic majority and the religious devotion of Gambians of all faiths, and said the nonsecular status since the inception of the country had provided "all the peaceful coexistence and liberty to embrace any conviction and right to join any religion without being subjected to any restraint or persecution." According to media reports, the September rejection of the draft by the legislature for reasons not related to the "secular republic" issue left the next steps in the adoption of a new constitution uncertain.

Starting in March, authorities placed restrictions on gatherings for religious worship due to the COVID-19 pandemic. According to a local source, on April 17, government security forces arrested an imam and more than 30 worshippers in a mosque in Kerr Alhagie Keru village, North Bank Region. Those arrested were later charged and released on bail. Similar arrests took place in the West Coast Region villages of Gidda and Bwiam.

President Barrow read televised statements during major Islamic and Christian religious holidays in which he stressed his administration's commitment to promoting religious tolerance.

Section III. Status of Societal Respect for Religious Freedom

SIC leaders continued to state that all religious organizations in the country were entitled to freedom of expression and assembly. The SIC continued to state that Ahmadi Muslims did not belong to Islam, and it therefore did not include Ahmadi members in SIC events. Ahmadi Muslims said they believed themselves free to practice their religion without interference but expressed frustration with the SIC's refusal to integrate them into the broader Muslim community.

Intermarriage between Muslims and Christians continued to be common. However, due to cultural and gender norms, women were generally required to convert to their husband's religion and raise all children in the husband's religion. It was not uncommon for persons of different faiths to live in the same dwelling, and observers said religious differences were widely accepted among family members and neighbors, with each jointly celebrating the religious events and holidays of the other.

Section IV. U.S. Government Policy and Engagement

Embassy representatives held meetings and events with religious leaders of different faith groups, including Muslim (both Sunni and Ahmadi) and Christian, to emphasize the importance of continued religious tolerance. The COVID-19 global pandemic severely restricted the embassy's ability to hold traditional events in connection with the major religious holidays of both predominant faiths.

The embassy posted messages on social media to celebrate the major religious holidays and to encourage religious acceptance and tolerance.