



TITLE: STATEMENT PRESENTED BY THE NATIONAL HUMAN RIGHTS COMMISSION OF THE GAMBIA NHRI TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS DURING ITS 71ST ORDINARY SESSION

Affiliate Status Number: NHRI 033

Name and Designation of Representative making the Statement: Mr. Emmanuel D. Joof, Chairperson

Salutations/Protocol: As Observed and laid down.

Law Establishing the NHRI: National Human Rights Commission Act 2017 (as amended in 2020)

I. Summary of Positive Human Rights Developments November 2021-April 2022

i. The Right to Vote - Presidential and Parliamentary Elections

The Gambia held its first democratic elections on the 4th of December 2021 since the defeat of the former dictatorial regime of Yaya Jammeh in 2016. The election was widely described by observers as Gambia's litmus test toward democratisation. In line with the constitutional provision on the right to be registered, the Independent Electoral Commission (IEC) conducted a nationwide voter registration from 29th May to 11th July 2021 respectively preceding the 4th December 2021 presidential elections and the 9th April 2022 National Assembly elections.

Many observers described the elections as generally peaceful, free, fair, transparent and credible. It is however important to highlight that the election was done with ongoing disenfranchisement of the Gambian diaspora population that totals around 140,000 to 200,000. This political constituent could not vote due to the lack of an enabling framework even though the diaspora played an important role in galvanizing opposition against the dictatorial regime of Yaya Jammeh.



In addition, persons with disabilities were not adequately catered for in the voting process. There were no paper braille and sign language experts while some voting centers were largely not accessible to wheelchair users.

ii. **Submission of the TRRC Recommendations**

The Government of the Gambia in 2017, instituted a transitional justice process to restore democracy, good governance and respect for human rights and the rule of law. Built on the pillars of accountability and reparation, the transitional process sought to establish a mechanism to investigate and establish the circumstances of human rights violations committed from 22 July 1994 to January 2017 during the Jammeh regime to prevent recurrence of such violations, ensure accountability and create accurate historical records of the Gambia's difficult past human rights history.

Consequently, in December 2017, the Government passed a legislation setting up the Truth, Reconciliation and Reparations Commission (TRRC) 'to investigate and establish an impartial historical record of the nature, causes and extent of violations and abuses of human rights committed during the period July 1994 to January 2017'

After three years of operations, the TRRC in May 2021 ended its public hearings and submitted its final report to the President on 25 November 2021 with the report distributed to stakeholders on 24 December 2021. The sixteen volume Report addresses various thematic issues and contains 427 findings and 218 recommendations. The public, victims, CSOs and public agencies now waits for the Government White Paper which is expected in May 2022.

Summary of Negative Human Rights Developments November 2021-April 2022

i. **Voter registration**

The voter registration process brought to the fore the need for the Gambia to digitalise birth and death registrations. For the purposes of voter registration, those voters without national identity documents were required to obtain attestation from village heads (Alkalos). This practice led to accusations and counter accusations between sympathisers of different political



parties as they accused each other of using influence over the Alkalos to register unqualified individuals to boost the numerical advantage of registered followers. The authority of the Mayoress of Banjul to issue attestation to potential voters was also questioned and eventually challenged before the courts where the court held that the Mayoress does not have the authority to issue attestations for voter registration.

ii. Post Electoral Disruptions

There were some registered post-electoral disturbances. Following the declaration of the Presidential Election results, police clashed with the supporters of the United Democratic Party (UDP). According to reports received by the Commission, some UDP supporters sustained serious injuries as a result of the intervention of the Police Intervention Unit that was dispatched to disperse the supporters.

The NHRC condemned the unfortunate incident involving the use of tear gas and other forms of force and called on the Police to always exercise maximum restraint in dispersing crowds and managing assemblies. While recognizing the role of the Police and other State security agents in the protection of lives and maintenance of peace and security, the Commission urged them to maintain professionalism and the utmost restraint.

iii. Institutional Reforms

Institutional reforms in particular security reforms remain largely incomplete. Therefore, the Government is encouraged to speed up reforms to ensure that security forces have the proper training on human rights. Complaints against law enforcement for human rights abuses continue to fill the NHRC docket.

Recommendations

- i. Ensure that children are registered at Birth,
- ii. Revise and digitalise birth and death registration and make the naturalisation process transparent through popularisation of the relevant regulations,



- iii. Ensure Registration Centres are located at places which are accessible to persons with disabilities, the elderly, and pregnant and lactating women,
- iv. Assign, where feasible, Sign language interpreters to registration centres to assist officers in their communication with persons who are hard of hearing,
- v. Expedite the security sector reform,
- vi. Enact the Prohibition of Torture Bill to outlaw and criminalise torture,
- vii. Implement the Recommendations of the TRRC; and
- viii. Encourage political participation of disadvantaged groups such as Persons With Disabilities, women, minorities etc.