

Regional Popularization of the Study on Caste and Descent Based Discrimination in the Gambia



The National Human Rights Commission (NHRC) organized a regional popularization of its Study Report on Caste and Descent Based Discrimination in the Gambia in Kerewan, North Bank region (NBR) & Basse, Upper River region (URR).

The Study contains key recommendations to the State and stakeholders, which when implemented will strengthen understanding & promote zero discrimination of all forms in our communities.



Data from the study reveals that tension is high within communities where the caste discrimination exists. The discrimination of members belonging to so called 'lower caste' poses a great risk to the communal stability and social cohesion, and precipitates conflicts and violence.

While the 'caste system' in The Gambia may varies from one ethnic group to the other, some of the characteristics are present in nearly all ethnic groups who practice the discrimination; hereditary in nature and 'inescapable' till death, fixed by 'occupation' linked to surnames; and prohibition of inter-marriage. Some communities have separate burial grounds for the so called lower and higher castes and attempts to challenge the caste system by a member or members of the lower caste, is often met with violence, threat of banishment, collective punishment, and social exclusion.

Torture can be

Physical: (beating, head banging, punching, kicking; food deprivation or forcible feeding with spoiled food; electric shocks; cigarette burning, burning by electrically heated rods, hot oil, acid; the submersion of the victim's head in water, urine, vomit or blood; being tied or forced to assume a fixed and stressful body position; rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals; the use of plastic bags and other materials placed over the victim's head with the intention to suffocate.

Mental or psychological: (blindfolding; threatening the victim or his or her family; confining a victim incommunicado, in a secret detention place or other form of detention; confining the victim in a solitary cell or in a cell put up in a public place, denial of sleep or rest, etc)

Pharmacological torture: (administration of drugs to induce confession or reduce mental competence; the use of drugs to induce extreme pain or certain symptoms of diseases; denial of access to medical treatment, etc)



Torture is any inhuman and degrading act capable of causing/inflicting pain or fear of pain. Inhuman treatment involves treatment that humiliates and individual, showing a lack of respect for, or diminishing their human dignity. It also includes an act that induces feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance whether acting in an official or private capacity for the purpose of obtaining information or confession, punishing that person for an act he or she or any other person has committed.

Article 5 of the Universal Declaration of Human Rights

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

UDHR@75

WHO CAN BE CHARGED FOR THE OFFENCE OF TORTURE?

Any person who directly or indirectly incites, encourages, aids or abets, finances, harbors, procures, renders support, recommends, or solicits for a person's torture.

HOW IS THIS ACT IMPORTANT FOR THE PROTECTION OF HUMAN RIGHTS?

For the first time in The Gambia, persons accused of committing the act/s of torture can be punished accordingly under the Prevention and Prohibition Torture Act 2023.

WHAT IS THE PUNISHMENT FOR TORTURE?

According to section 5 of the Prevention and Prohibition of the Torture Act 2023, a person who does any act of torture as defined in section 3, commits an offence and is liable on conviction to a fine of one million dalasi or imprisonment for fifteen years or to both.

CAN A PERSON BE PUNISHED FOR REFUSING AN ORDER TO TORTURE?

A person shall not be punished for disobeying an order to undertake actions amounting to torture, cruel or inhuman treatment.

WHAT OBLIGATIONS ARE IMPOSED BY THE ACT?

The Act imposes the duty on everyone to report all forms of torture and inhuman treatment to the relevant authorities.

The Government also has a duty to investigate complaints of the act of torture, and charge and prosecute any individual or group so accused.

REMEMBER, YOU HAVE THE RIGHT TO MAKE A COMPLAINT

Individuals now have the right to lodge complaints about violations of their human rights or other peoples' rights as guaranteed by The Prevention and Prohibition of the Torture Act 2023



Fatou Ceesay, First Female Driver: NHRC

Introducing Our First Female Driver

Fatou Ceesay joined the Commission in April 2023 and is excited to serve.

"I am inspired by the commitment of the NHRC to the promotion and protection of every Gambian's right fundamental human rights."

Prior to joining the Commission, Fatou worked with the Gambia Immigration Department for eighteen years as Disciplinary Officer at the Head Quarters. She holds a Diploma in Social Work and Development Studies, Ms. Ceesay is currently pursuing her High National Certificate in Social Work and Development Studies at Stratford College of Management.

Fatou recognises that she is in a male dominated field which brings its own challenges. She is happy to share her story to inspire young people who are building their

careers to take up roles that support or lead to bigger dreams.

The NHRC is an equal institution with cores that include inclusivity, diversity and equality .

"My message to young people, particularly women, is that driving is a noble profession. The most important thing is to have passion, commitment and confidence in what you do as a professional. Be positive and assertive." Fatou concluded.

#Inclusion

#EqualOpportunity

Validation of the Advisory Note on Mental Health Rights in The Gambia



The National Human Rights Commission validated an Advisory Note on Mental Health in The Gambia. The Advisory Note was developed following a visit to the country's only designated psychiatric center -Tanka Tanka. The visit gave the Commission an insight into the conditions and challenges of the center and lives of the patients therein.

This Advisory Note offers a picture of the current state of the accessibility and quality of mental health services in The Gambia. It lays the foundation for the enactment of the Mental Health Bill, 2019. Awareness and understanding of Gambian society of mental health and mental health associated illnesses has evolved since the Lunatics Detention Act enacted in 1917 and its subsequent amendment in 1964. Therefore, enacting the Mental Health Bill, 2019 will help overcome some of the barriers to high-quality mental health care for people in The Gambia.



Dr. Mustapha Bittaye, Director of Health Services

The Gambia, like many other countries, grapples with the consequences of mental health related disorders, including drug induced psychosis, as persons with mental health problems continue to be discriminated against, stigmatised and isolated. The 2020 Service Statistics Report of the Ministry of Health's Service Statistics Report indicated that the COVID-19 pandemic has impacted mental health in The Gambia as businesses came to a halt, and movements were

restricted. This resulted in financial difficulties, stress, and consequent occurrence of mental disorders.

The Advisory Note is a positive step towards recognizing the need for new mental health laws that are human rights compliant. The validation brought together different stakeholders from Government institutions, NGOs, CSOs, and other partners who shared ideas and recommended ways to improve mental health care and rights in The Gambia.



Freedom of Expression and Hate Speech

FREEDOM OF EXPRESSION IS NOT FREEDOM TO INCITE HATE OR VIOLENCE

Hate speech has the potential to trigger violence and conflict which can lead to the violation of several human rights. In The Gambia, social media and other digital platforms are normally used especially during elections to incite hate, and ethnic and religious tension.

The 1997 Constitution of The Gambia promotes and recognizes freedom of expression and speech as a fundamental human right. However, incitement to violence and uttering threats with the aim of defaming or tarnishing a person's reputation is illegal. Section 120 of the Constitution criminalizes the deliberate and intentional use of words, sound, writing or gestures with a view to injuring religious feelings of a person. Persons who found guilty can go to prison for one year. Similarly, Section 59B of the Criminal Code prohibits incitement through print or publication and persons who are found guilty can be imprisoned for three years.

The 2021 - 2023 Election Cycle which was recently concluded in May 2023,

saw party militants and supporters using hate speech to gain political advantage and especially to slander or discredit female candidates.

In WhatsApp audios, party militants and supporters launched scathing attacks against their political opponents with hateful messages and comments geared towards inciting hatred and violence.

THE ROLE OF NHRC

The NHRC issued several statements and shared key messages on social media against hate speech. Urged all political party leaders to ensure their party militants, members, and supporters conduct all political affairs in accordance with the electoral laws and guidelines. In its messages, the NHRC underscored the role of every individual in promoting peaceful elections free from bigotry and incitement to violence.

THE ROLE OF THE MEDIA

The media has a critical role in ensuring that their platforms are used to preach against hate speech and incitement, rather than being the vehicle through which these are spread.

The media also has a responsibility to educate the public on their right to freedom of speech, as well as the duty and collective responsibility of public officials, religious and community leaders, journalists and individuals to nurture tolerance and mutual respect, and promote social cohesion and responsible dialogue to prevent incitement to hatred.

BRINGING A COMPLAINT TO THE NHRC



Who Can File a Complaint? Any person or organization can bring a complaint of any human rights violation before the Commission.

Where necessary, an individual may lodge a complaint on behalf of another person or organization.

What type of complain or human rights violations can one report about?

Any form of human rights violation be it unlawful arrest, degrading treatment, sexual violation, torture, abduction, slavery, discrimination, degradation of the environment, lack of access to education, lack of access to quality healthcare etc.

How to file a complaint?

You can visit our secretariate in Kotu or regional offices in Farafenni, North Bank Region and Basse, Upper River Region to lodge a complaint of human rights violation, child abuse, or gender Based Violence. If you live in the Lower River Region, you can visit our Farafenni Office or go to our Basse Office if you live in the Central River Region.

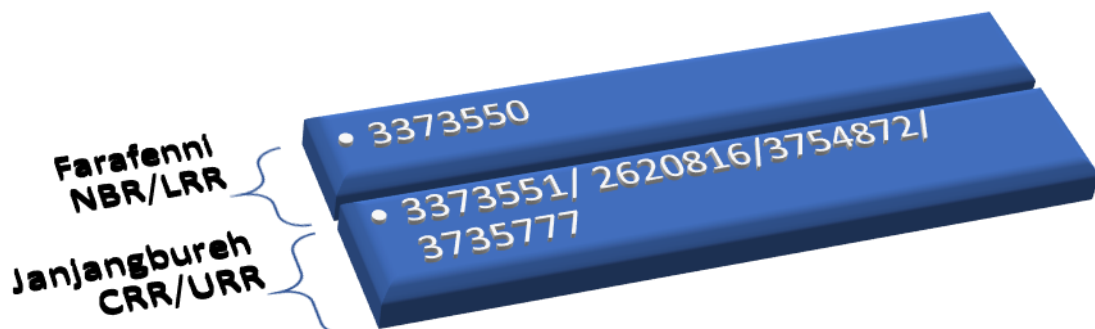
Complaints of a human right violation to the Commission may also be made through the Commission website (<https://www.gm-nhrc.org/>).

A complaint of a human rights violation may also be made to the Commission via letters or emails properly addressed to any of the Commissioners, the Executive Secretary or the Legal Department of the Commission.

Remember! To File a Complaint, the NHRC Secretariat is just a call away

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Speak Up Against Human Rights Violation





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