

NEWSLETTER

4th Edition 2021

NHRC MONITORING OF THE 2021 VOTER REGISTRATION PROCESS

The NHRC on the 24th June 2021, embarked on a monitoring of the recently concluded countrywide voter registration ahead of the 2021 elections.



Voter registration monitoring in Banjul

The purpose of the monitoring exercise was to observe how compliant the registration process was with human rights principles, norms and standards. A total of 67 Registration Centers were visited across the country.

Upon completion of the monitoring exercise, the Commission published a comprehensive report which covered areas such as compliance with registration procedures and human rights standards, attestation and its attendant challenges eligibility criteria and accessibility, especially for Persons with Disabilities.

The 2021 voter registration exercise offers valuable lessons for future voter registration efforts. Based on the information received and observations during the monitoring exercise, the Commission made key recommendations to ensure that future voter registration exercises are human-rights friendly and more compliant. Some of the main recommendations include:

1. *Enhance access to immigration services for citizens to acquire their required national documents;*
2. *Make the issuance of birth certificate automatic upon birth at all health centres.*
3. *Make the costs charged for acquiring national documents such as ID and passport affordable for all Gambians*
4. *Provide adequate and continuous education and sensitization on the voter registration process age for voting and citizenship requirements across the country, particularly in rural areas.*
5. *Work with Organizations of Persons with Disabilities when identifying voting centres in the upcoming election and subsequent ones to ensure that all voting centres are disability friendly.*

The full report is available on the NHRC website at www.gm-nhrc.org/



NHRC EXTENDS HUMANITARIAN GESTURE TO TANKA-TANKA

As part of its mandate to promote and protect human rights, the National Human Rights Commission (NHRC) regularly goes on monitoring visits to facilities such as Police Stations, Prisons and Immigration Posts. In March this year, NHRC visited Gambia's only psychiatric hospital, Tanka Tanka.

The “Lunatic Detention Act 1964” which is presently the mental health law that governs the welfare of all patients suffering mental disorder in The Gambia is archaic and may no longer be fit for purpose.

Therefore, the NHRC will conduct a thorough research of this law and come up with recommendations that will guide duty bearers to meet international standards and ensure the dignity of all persons with mental disorders.



NHRC's visiting team led by the Vice Chairperson, and staff of the center

The purpose of the visit was to understand the challenges of the psychiatric hospital, the conditions under which the patients are served and accommodated, the working conditions of the staff and what role the Commission can play to ensure the rights of the patients are fulfilled at Tanka Tanka. The visit showed what immense support this facility needs but currently lacks. This led the staff and Commissioners of the NHRC to voluntarily mobilize resources to support the patients with basic necessities including drinking water, clothing, and detergents.



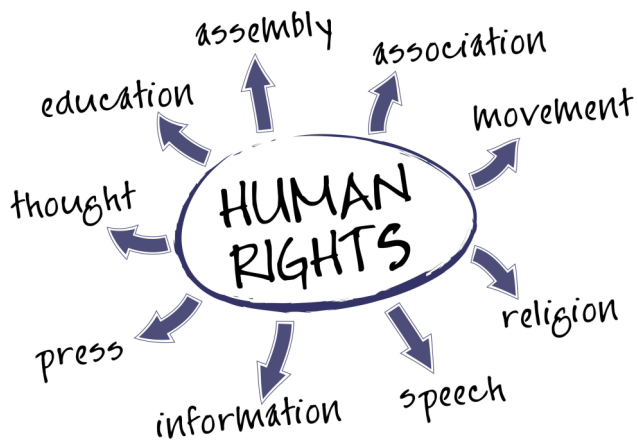
Consignment of donated sanitary materials from the National Human Rights Commission

ELECTIONS AND HUMAN RIGHTS

The right to take part in the conduct of public affairs, including the right to vote and to stand for elections, is at the core of democratic governance. Genuine elections are a necessary and fundamental component of an environment that protects and promotes human rights, that is a government based on the will of the people.

The right to vote and be elected in periodic elections is linked to the enjoyment of other human rights, such as:

- ✓ *The right to freedom from discrimination*
- ✓ *The right to freedom of opinion and expression*
- ✓ *The right to freedom of association and of peaceful assembly and*
- ✓ *The right to freedom of movement*



Article 21 of the Universal Declaration of Human Rights highlights the role of periodic and genuine elections in ensuring that everyone is able to participate in the public affairs of his or her country. However, political rights cannot be fully enjoyed if the political landscape is not a level playing field for the conduct of free and fair elections. The absence of fair rules undermines the integrity of any election, and the Independent Electoral Commission plays a pivotal role in delivering a free, fair, and credible election.

Section 26 of the 1997 Constitution guarantees every citizen of The Gambia of full age and capacity the right, without unreasonable restrictions-

- ✓ *to take part in the conduct of public affairs either directly or through freely chosen representatives,*
- ✓ *to vote and be voted for at genuine periodic elections and*
- ✓ *to have access, on general terms of quality, to public service in The Gambia.*

Who Is Eligible to Acquire a Voter's Card?

To be eligible to register as a voter in The Gambia, a citizen or an applicant must provide any of the following documents as per section 12(2) of the Elections Act Cap 13:01.

- ✓ *A birth certificate*
- ✓ *A Gambian passport*
- ✓ *A National Identity Card, or*
- ✓ *A document certified by the district Seyfo or an Alkalo of the village of birth of the applicant stating that the applicant was born in the district or village.*

PARTICIPATION AND INCLUSIVITY

Elections should be as inclusive as possible, both for voters and contestants. Inclusiveness is closely linked to the right to vote and the right to run for public office. It is primarily the obligation of the Government to facilitate these rights. There should be zero discrimination toward any person or group with regards to voting rights. An election process which “leaves no one behind” is also one that is based on open and broad consultation with stakeholders.

The State also has the duty to ensure that Persons with Disability, the elderly and other vulnerable persons can participate in the electoral process without difficulty.

LAUNCH OF THE NHRC 5-YEAR STRATEGIC PLAN AND KEY DOCUMENTS

NHRC launched its five-year Strategic Plan (2021-2025). With 6 Strategic Objectives, it serves as a roadmap that will guide the Commission in fulfilling its mandate, as well as a tool through which it will measure and demonstrate its achievements and impact.

The Plan was launched on May 27, 2021, together with the Case Management System (CMS) which is geared towards efficiently managing human rights complaints and providing timely information. The Commission also unveiled key publications, namely the Study on Sexual Harassment in the Workplace in The Gambia and The Gambia as a Bastion of Human Rights in Africa (1965-1994).

The NHRC championed the Study on Sexual Harassment in the Workplace as a first step to the development of a policy and a mechanism through which sexual harassment cases can be identified, reported and investigated in public, private and NGO settings. According to the Study, 74 percent of respondents indicated that they experienced sexual harassment. 80 percent of women experienced sexual harassment compared to 67 percent of men.



The Consultant Mr. Sana Darboe of SMD presenting the Strategic Plan

In summary, 3 in every 4 employees have faced or are likely to experience sexual harassment, especially in role allocation, promotion and employment. The Study is the first of its kind in The Gambia and it seeks to make a difference henceforth.

“The Gambia as a Bastion of Human Rights in Africa (1965-1994)”, on the other hand, provides an overview of human rights in The Gambia and how minimum standards of dignity were upheld throughout until the 1994 coup which ushered in a drastic decline in the protection and fulfillment of human rights.

The event brought together senior government officials, members of the diplomatic community, Civil Society Organisations, students and religious leaders.



Cross section of the audience including the UNDP Representative during the presentations



Group photo of the invitees and NHRC officials after the launching

ISLAM AND THE CASTE SYSTEM- SEEKING A SUSTAINABLE SOLUTION FOR ZERO DISCRIMINATION

Following three fact-finding missions and a close monitoring of communities where caste discrimination infringes on the human rights of certain groups, the NHRC, in partnership with the Supreme Islamic Council, conducted a three-day sensitization workshop on Islam and caste discrimination in The Gambia for one hundred and fifty Imams, religious scholars, local authorities and opinion leaders in Basse (Upper River Region), Janjanbureh (Central River Region) and Kerewan (North Bank Region).



Participants during the training session

This was one of a series of activities of the Caste System Taskforce, which was inaugurated on September 2nd, 2020, and spearheaded by NHRC. This multi-stakeholder taskforce was set up to investigate issues relating to the caste discrimination in The Gambia and find sustainable solutions to them.

The workshop presented an opportunity to engage Imams, religious scholars and community leaders on the Islamic norms and principles relating to caste system and caste-based discrimination in The Gambia and what they can do to abolish the practice in their communities.

At the end of the three day sensitization workshop, participants agreed on key recommendations which were presented as medium to long-term solutions for peaceful coexistence in the affected communities. They include:

- ✓ *advocacy for the inclusion of human rights in the school curriculum in order to nurture a culture of respect for human rights*
- ✓ *sensitization campaigns in all affected communities and schools in URR*
- ✓ *fostering inter-marriage between parties in conflict,*
- ✓ *organizing sensitization workshops for Chiefs and Alkalos.*



Participants during the training session



Participants during the training session



THE RIGHT TO VOTE IS A FUNDAMENTAL HUMAN RIGHT



Q What is the right to vote

A The right to vote is a basic human and democratic right that allows citizens who are 18 years and older above to take part in periodic elections to determine who rules or governs them. It also includes the right to vote in a referendum.

Q What laws guarantee your right to vote?

A The Gambia has some domestic laws that guarantee the right to vote. It has also ratified some international and regional treaties guaranteeing the right to vote. They are

- ✓ *The 1997 Constitution;*
- ✓ *The Elections Act Cap 3:01 vol. 1 laws of The Gambia (to the extent that it provides for qualification and disqualifications for registration);*
- ✓ *The Universal Declaration of Human Rights;*
- ✓ *The African Charter on Human and Peoples' Rights;*
- ✓ *The International Covenant on Civil and Political Rights.*
- ✓ *Convention on the Rights of Persons With Disabilities*
- ✓ *Maputo Protocol and CEDAW*

Q What does it mean to have the human right to vote?

A Having a say in how one is governed and by who is the basis of democracy. The right to vote in elections, without discrimination, is one of the most important human rights and civil liberties that any citizen has.

The 1997 Constitution and other international and regional human rights treaties make it an obligation on The Gambia to guarantee people's right to vote in elections and referenda.

To ensure that everyone can exercise this right to vote, the Government, through the IEC and other relevant institutions, must put in place the necessary conditions, such as registration of voters, accessible polling stations, voter education, etc.

Where this right is unjustifiably denied, the victim has the right to seek redress including judicial action for a declaration, mandamus or any other appropriate remedy.

Q Which institution is responsible to ensure that you exercise your right to vote?

A The principal obligation to ensure the enjoyment of the right to vote falls on the state as primary duty bearer. The State, in fulfilment of this obligation has entrusted the Independent Electoral Commission (IEC), established under section 42 of the 1997 Constitution, with the mandate to ensure the conditions that allow the exercise of the right to vote are put in place.

Q What obligations do the IEC have to ensure you enjoy your right to vote?

A In order for the IEC to ensure the enjoyment of the right to vote, it must

- ✓ *register voters;*
- ✓ *facilitate the nomination of candidates;*
- ✓ *oversee campaign periods;*
- ✓ *conduct regular free and fair elections;*
- ✓ *prepare polling materials;*
- ✓ *create a level playing field for all political parties and candidates*



- ✓ *ensure all political players abide by the election rules and regulations*
- ✓ *educate people on their fundamental rights as regards elections*
- ✓ *provide, prepare and supervise polling stations during registration and elections.*

Q Who has the right to vote in elections under The 1997 Constitution and Election Act of The Gambia?

A The 1997 Constitution, under sections 26 and 9, gives Gambians, of sound mind, who attained the age of 18 years at the time of the elections and not serving a prison sentence the right to vote. Consequently, the Elections Act Cap 3:01 also allows for the registration of persons for the purposes of voting and issuance of voters' cards to these persons.

Q Can certain people be denied the right to vote?

A Yes. Based on the 1997 Constitution and the electoral legal framework of The Gambia, certain individuals can be denied the right to vote. Also, persons who are not registered as voters cannot vote.

Q Who are disqualified from voting?

A By virtue of the 1997 Constitution and the Elections Act Cap 3:01, non-Gambians, minors, persons serving prison sentences, and persons adjudged to be of unsound mind are disqualified from voting.

Q Can prisoners exercise their right to vote?

A No. Persons serving prison sentences are disqualified from registration or to be maintained on the register of voters.

Q Can persons with mental illness vote?

A No. This is one of the categories of persons disqualified from being registered as voters.

Q Can persons with intellectual disability vote?

A No. There is no specific mention of persons with intellectual disabilities in the 1997 Constitution or the Elections Act, but the general disqualification of persons of 'unsound mind' and the definition of 'Lunatic' under the Lunatics Detention Act have a combined effect of excluding individuals with intellectual disability.

Q Can persons with disabilities vote?

A Yes. This is not one of the categories disqualified under the Constitution or the Elections Act. In fact, discrimination on grounds of disability is prohibited under section 33 of the Constitution.

Q What arrangements must the IEC put in place to ensure persons with disabilities exercise their right to vote?

A In order for persons with disabilities to fully enjoy their right to vote, the IEC must:

- ✓ *Ensure voting procedures, facilities and materials are appropriate, accessible and easy to understand and use for persons with disabilities;*
- ✓ *Provide ramps for access of persons on wheelchair and other mobility aids;*
- ✓ *Provide brail material where appropriate;*
- ✓ *Give priority to persons with disabilities.*

THE SMALL TOWN OF TANJAY IS ONE STEP CLOSER, OR NOT... THE STORY OF MIGRANTS IN THE GAMBIA

On June 10, 2021, The National Human Rights Commission (NHRC) embarked on a monitoring visit to the Tanjay Immigration Post. On arrival, the team was received by Officers of the Immigration Department stationed there, in a newly established building funded by the Government of Spain.

After a short introduction, the team began its monitoring by reviewing the records and observing the environment under which officers operate and migrants are detained.



Joint mission to Tanjay Immigration post

While they had a structured monitoring plan in place, which included interview with migrants and community members as well as the officers, NHRC staff and partners knew that the visit was no ordinary one. Outside the officers' station, under an open hut-like area, several young men and women with carry on bags, suitcases and jackets sat. At first glance, the team could tell that they were people on the move. Many of them spoke Mandinka but others spoke Pularr and English.

Mariatou, not her real name, was one of 5 women that were part of this group of migrants. In her mid-twenties she claimed she was traveling through Gambia to Spain, her final destination. The group had been traveling from Sierra Leone for more than 10 days to get to Tanjay.

In addition to the amount of money they paid to their trip organizer, the group also bought a Yamaha equipment that they claimed was requested by the organisers to facilitate their boat journey from Tanjay. When asked about the circumstances leading to their arrest and detention, Mariatou explained that “around 12 midnight, officers raided our guest house in Gunjur. Some of us were asleep. Smoke and loud noises woke everyone up. Our passports, money, phones and other valuable were taken from us by the security agents and the event left us with bruises”. “We are still in shock and we do not know what will happen to us now”, she concluded.



Migrants under detention at Tanjay Immigration Post

NHRC team visited the detention facility to assess the extent of these migrants' vulnerabilities who were being held in an open space. The team found just one functional toilet that was being used by both officers and the detainees. There was no space or beds where these migrants could spend the nights which was why they were left under the hut-like area. For the female migrants, the environment posed greater risks of human rights violations.

The arrival of The Gambia Red Cross Society brought some relief to the migrants, but especially to the NHRC who were confident that the group will have some of their basic needs met such as food, water, sanitary needs of the young women and access to phones should they need to contact their families.

For many of these youth, Tanjay is a transit point, where they meet their team leaders, sometimes referred to as 'smugglers', who facilitate their risky journey through the sea.

The search for improved socio-economic status has led many young Gambians and non-Gambians on the dreadful journey through the Mediterranean Sea

The International Organisation for Migration (IOM) indicated that over 35,000 Gambians arrived in Europe by irregular means between 2014 and 2018. While many have been deported back to The Gambia, several lost their lives, and others are waiting to return home voluntarily. A similar trend was narrated to the team by members of the community. The village Council of Elders Chairman highlighted the impact of migration on the community. “Tanjay is now overcrowded”, noted Mr. Darboe.” Many young people travel from other parts of The Gambia, Guinea Conakry and Cassamance to Tanjay where they wait to be ferried through the sea.

“Sometimes returnees come to live in Tanjay where they can easily prepare to re-attempt another journey to Europe”, Mr. Darboe explained. Apart from the ones who make it to Europe, these are lucky ones. According to Mr. Darboe, many more have returned but are either mentally ill or suffer from severe depression.

The challenges of irregular migration are multifaceted and affect different members of the community differently. Mariatou and the 4 ladies she is traveling with may find themselves having to start over in a completely unfamiliar environment. Even if going back to Sierra Leone is an option, it may take some time and money to go home. Up to 47.3 percent of migrants are women (IOM, Gambia). The safety and protection of the human rights of all migrants is important but for woman it is critical. NHRC is highly concerned about the safety and protection of people on the move, especially women and children.



Migrants under detention at Tanjay Immigration Post

LAYING THE FOUNDATION FOR A CULTURE OF RESPECT FOR HUMAN RIGHTS: TRAINING OF TRAINERS ON THE POLICE CODE OF CONDUCT.

The NHRC continues its vital capacity building with law enforcement agencies in an effort to lay a strong foundation for human rights. In partnership with The Gambia Police Force, NHRC developed a Code of Conduct and adapted the African Commission Guidelines on Policing Public Assemblies to guide and standardize the important role of the Police in the protection of human rights.

A five-day Training of Trainers (ToT) on the historic Code of Conduct was held in March 2021 at the NHRC Secretariat in Kotu. The overall objective of this ToT was to enable the Police plan and effectively deliver sessions on the Code of Conduct, promote a practice of human rights-based approach in crowd control and the treatment of suspects and to ensure that it is used to encourage best practice guided by the principles of human rights.

According to the Assistant Commissioner of Police Mustapha Ndong who deputised for the Inspector General of Police, “The Gambia Police Force is undergoing serious reforms in line with Security Sector Reforms (SSR) initiated by the Government of The Gambia, and these require a review and, where necessary, total re-engineering of our core business processes to enable us operate in line with democratic policing norms and principles”.

The Chairperson of the NHRC assured the Police of the Commission’s full support in its efforts to ensure a Police Service which respects the rule of law, follows due process and upholds human rights.

Section 178 (1) of the 1997 Constitution of the Republic of The Gambia which established The Gambia Police Force, mandates it to maintain law and order. In addition, Section 4 of the Police Act specifically mandates the Police to protect life and property, detect and prevent crime, as well as apprehend and prosecute offenders.



Chairman Emmanuel Joof presenting copies of the code of conduct to the police after the training.

UN'S TOP DIPLOMAT FOR WEST AFRICA AND THE SAHEL VISITS NHRC

The Special Representative and Head of the UN Office for West Africa and the Sahel (UNOWAS), Dr. Mohamed Ibn Chambas, paid a courtesy call on the National Human Rights Commission (NHRC). During the discussion with Commissioners and staff, the Special Representative affirmed his pleasure for Gambia's first Human Rights Commission and assured his support for the difficult but worthy task of creating a culture of human rights after two decades of dictatorship.

Dr. Chambas described human rights as one of the core pillars upon which the UN was established, and that the creation of a Human Rights Commission in The Gambia is a key milestone in the country's transitional agenda which the UN is proud to be associated with.

Dr. Chambas was accompanied to the NHRC by some senior officials of the United Nations system in The Gambia

The UN has been instrumental in the establishment of the Commission and continues to provide crucial support for capacity building and programme implementation.

In his brief to the visiting Diplomats, the Chairman of the National Human Rights Commission, Emmanuel Joof, highlighted key milestones registered since its establishment which include a 5- year strategic plan, the creation of an online complaints handling system and support to national policy development through the publication of advisory notes and policies.



Dr. Chambas and his team in a meeting with NHRC Commissioners and Staff



Dr. Chambas, his UN team members and the NHRC Commissioners and staff after the meeting

About NHRC

The National Human Rights Commission (NHRC) is a permanent and independent institution established by an Act of National Assembly in 2017 to protect and promote human rights in The Gambia. It came into operations in February 2019 when the 5 Commissioners were sworn into office.

Motto

Let Justice Guide Our Actions.

Vision

A Gambia where everyone enjoys human rights and freedom.

Mission

To promote and protect the fundamental human rights and freedoms of everyone through law, policy, education and partnership.

NHRC Values

- *Independence*
- *Diversity*
- *Integrity*
- *Impartiality*
- *Equality*
- *Confidentiality*
- *Accountability*
- *Accessibility*

NHRC Strategic Objectives

- ✓ To promote and deepen a culture of human rights and fundamental freedoms
- ✓ To enable people whose rights have been violated to have access to appropriate redress
- ✓ To ensure improved compliance from the State on matters of human rights and access to justice
- ✓ To develop NHRC's capacity to be a credible, trustworthy and knowledgeable "agent" to advance human rights and equality
- ✓ To enforce human rights within the justice system
- ✓ To advance human rights by addressing poverty



NHRC

Let Justice Guide Our Actions
THE GAMBIA



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