



FOLLOW-UP STUDY ON HATE SPEECH IN THE GAMBIA



July 2025

Follow-up Study on Hate Speech in The Gambia

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Foreword

The mandate of the National Human Rights Commission (NHRC) to conduct human rights studies and advise the Government of The Gambia on human rights remains crucial to the promotion and protection of human rights in the country. This Study is a follow-up to the 2024 Study on the Prevalence of Hate Speech in The Gambia, which established a worrying trend of hate speech in the country. Both Studies confirm the prevalence of hate speech and the need for collaboration and action to combat hate speech.

Hate speech has the potential to divide nations and plant seeds of mistrust among different groups in society. As The Gambia prepares for the 2026-2028 election cycle, the need for action is even more urgent. With this follow-up study, the State is reminded of the threat hate speech poses to the peace, security, social cohesion and harmony, and the enjoyment of human rights in The Gambia. With tribal and political rhetoric and divisive and discriminatory statements making waves on both social media and public gatherings, the State is urged to take urgent action to address the phenomenon. While having legislative measures in place is necessary, awareness raising, education, and training on hate speech are paramount in the fight against the phenomenon.

Pending the enactment of an appropriate anti-hate speech legislation, the State should utilise the Criminal Offences Act, 2025 and the 1997 Constitution to combat hate speech. We also encourage policymakers, political parties, civil society organisations and other stakeholders to use the findings of both the 2024 Study and this follow-up Study as guidance tools for action.

Acknowledgement

This Follow-up Study on Hate Speech in The Gambia was made possible with support from the Peace Building Fund through UNESCO's Multisectoral Regional Office for West Africa in Dakar, Senegal. We are grateful to the National Commission for UNESCO (NATCOM) for its support throughout this Study.

The implementation of this project was done in collaboration with WANEP-The Gambia, GPU and NCCE. The NHRC wishes to express its gratitude to these partners for their collaboration and technical support.

Executive Summary

The 2024 NHRC Study on the Prevalence of Hate Speech in The Gambia provided a comprehensive analysis on the prevalence, nature, magnitude, drivers and dynamics of hate speech in The Gambia and also proffered solid recommendations to counter hate speech. The findings of the Study revealed the high levels of perception of the prevalence of hate speech in the country and thus set the foundation for immediate actions to counter hate speech. Despite the comprehensiveness of the 2024 Study, certain key variables were not included in it. Thus, there was a need to conduct a follow-up study to further examine those excluded variables as well as understand what changes have occurred in the environment regarding the prevalence of hate speech.

The main findings of the Follow-up Study are as follows:

1. Gaps in Legal and Policy Frameworks

Unlike the repealed Criminal Code, the new Criminal Offences Act, 2025 contains specific provisions that criminalise and punish hate speech and incitement to violence. However, there remain many gaps in constitutional, legislative, and policy measures, as there are no constitutional provisions or specific legislation on hate speech.

2. Low knowledge about the laws on hate speech and redress avenues

About 74% of the respondents do not have any knowledge about the existence of laws to counteract hate speech, the availability of remedies or what procedures to follow to seek a remedy for hate speech. An overwhelming majority of the respondents, about 96% of respondents, called for stiffer and more specific legislation on hate speech.

3. Definition of ‘hate speech’

Ninety per cent of the respondents understand the key elements in the definition of hate speech, with many of them using terms such as ‘discrimination’, ‘pejorative statements’, and ‘demeaning statements’ in their definition of the term.

4. Perception of the existence of hate speech in The Gambia and the Main Tribes that are Targets

Eighty per cent of the respondents indicated that hate speech is prevalent in The Gambia. Ethnic/tribal hate speech and political affiliation hate speech came out as the most prevalent, with the Mandinka tribe remaining as the most targeted, followed by the Fulas.

5. Common forms of hate speech

Politically motivated hate speech was cited as the most common form of hate speech.

6. Non-nationals as targets of hate speech

Sixty-nine per cent of respondents believe that Nigerians are the most targeted non-nationals for hate speech, followed by Guineans, about 57% of respondents and Senegalese, 42% of respondents.

7. Perpetrators of hate speech

Most of the respondents believed that hate speech is mostly perpetrated by politicians, followed by media-based hate speech.

8. Platforms/Sources of hate speech

Political rallies and public gatherings are identified as the main vehicles for hate speech, followed by social media and religious gatherings.

9. Witnessing hate speech

About 35.7% of the respondents indicated that they had witnessed hate speech on social media. Similarly, about 35% of the respondents indicated that they had witnessed hate speech at the workplace, representing an 11% increase from the 2024 findings.

10. Institutional and public awareness of hate speech

Both institutional and public awareness of hate speech remain low. 300 respondents to the main questionnaire, about 85% of the total respondents, indicated that they have not participated in hate speech awareness-raising activities, with only 50 respondents, about 15%, indicating that they have participated in activities.

11. Effectiveness of the laws and policies

64% of the respondents rated the effectiveness of the law and policies to counteract hate speech as low, although most of them indicated their confidence in approaching the National Human Rights Commission, Family/Friends/Neighbours, as well as the Police, to address hate speech.

12. Actions to combat hate speech

The need for action to combat hate speech came out strongly.

List of Acronyms

ACHPR	African Charter on Human and Peoples' Rights
CSO	Civil Society Organisation
GPF	Gambia Police Force
GPU	Gambia Press Union
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IEC	Independent Electoral Commission
IPC	Inter-Party Committee
LGBT	Lesbian, Gay, Bisexual, and Transgender
MoJ	Ministry of Justice
NHRC	National Human Rights Commission
NCCE	National Council for Civic Education
NGO	Non-Governmental Organisation
NPP	National People's Party
NYP	National Youth Parliament
UDHR	Universal Declaration of Human Rights
UDP	United Democratic Party
UN	United Nations
UNESCO	United Nations Education, Scientific, and Cultural Organisation
UNFPA	United Nations Population Fund
UTG	University of The Gambia
WANEP	West Africa Network for Peacebuilding

PART 1: Introduction

1.1. Introduction

In December 2016, The Gambia elected a new president who, for the first time since independence, unseated an incumbent through the ballot box. This followed 22 years of dictatorship marked by serious human rights violations under former President Yaya Jammeh's regime. The new Government, headed by President Adama Barrow, began a transition to restore democracy, good governance, respect for human rights and the rule of law. This process included legal and institutional reforms aimed at strengthening and consolidating good governance and nurturing a culture of human rights in the country.

Although significant progress has been made towards building a more democratic system, several challenges continue to threaten the enjoyment of human rights in the country. One such major threat is the prevalence of hate speech, which is spread across various media platforms, especially on social media. A review of both traditional and digital media in recent years reveals the widespread nature of hate speech in The Gambia, targeting political, religious, ethnic, and gender differences, as well as issues related to nationality (particularly migration) and sexual orientation. This problem tends to escalate during election periods, with politicians from all sides and their supporters using political platforms and other channels to spread hateful rhetoric, misinformation, and disinformation.

In 2024, UNESCO, through the Peace Building Fund, funded Project '*Strengthening the National Infrastructure for Peace to Promote Social Cohesion in The Gambia Project*', supported the National Human Rights Commission (NHRC) to conduct a national study on hate speech in The Gambia. This Study examined the prevalence, magnitude, drivers and root causes, perpetrators, victims/targets, channels, and impact of hate speech, and also identified strategies, measures, programmes and tools to effectively address or counteract the phenomenon.

The 2024 Study highlights that while hate speech is prevalent in The Gambia, it has not yet reached a level where it can be considered out of control. However, it identifies hate speech as a serious issue that the Government and other relevant stakeholders should address with urgency, and recommends a comprehensive approach to tackling hate speech, including legislative and law enforcement actions, public awareness campaigns, data collection, inter-institutional collaboration, and capacity building.¹ The report also recommended ongoing monitoring of hate speech trends to address emerging issues not covered in the study, ensuring timely and effective responses.

¹ NHRC 'Research on hate speech in The Gambia' (2024) P. 54.

Based on the findings and recommendations of the 2024 Study on Hate Speech, UNESCO again under the I4P project supported the NHRC in collaboration with the National Council for Civic Education (NCCE), Gambia Press Union (GPU) and West Africa Network for Peacebuilding (WANEP), to conduct this Follow-up Assessment aimed at identifying other important variables and issues relating to hate speech that the 2024 Study did not cover or inadvertently overlooked. The Assessment also provided recommendations on effective strategies to counter hate speech in the country.

1.2. Purpose of the Follow-Up Study

The Follow-up Study on Hate Speech in The Gambia is conducted to address some of the main gaps in the 2024 Study and to also build upon its findings. A significant shortcoming of the 2024 Study on Hate Speech in The Gambia was that it, to a great extent, relied on computer-based data collection. Thus, people with limited or no access to the internet could not participate as respondents in the study. Key non-Gambian nationals – Senegalese and Guineans - were also inadvertently excluded as research participants, nor was how they are affected by hate speech considered.

This Follow-up Study aims to deepen the understanding of the prevalence, drivers, patterns, and impacts of hate speech within Gambia's socio-political and cultural landscape, with particular emphasis on the involvement and role of traditional and religious leaders as well as political actors. It will provide actionable recommendations to inform stakeholders, including policymakers, civil society organisations (CSOs), media practitioners, and international partners, on strategies to effectively prevent and counter hate speech.

1.3. Methodology

The study employed a mixed-method design, which combined both quantitative and qualitative approaches to determine changes in hate speech trends identified by the previous study and build on the findings of the 2024 Study. The research also used a representative approach for the population; thus, it employed a random sampling method. The population was divided into the following regional divisions:

- Banjul
- Kanifing Municipality
- West Coast Region
- Lower River Region
- North Bank Region
- Central River Region
- Upper River Region

Fifty (50) respondents were targeted per region for the main questionnaire. A simple random sampling was employed to interview respondents within communities in these regions. While the data collectors could not reach the targeted 50 respondents in two of seven Regions (Banjul 49 and URR 46), the research team interviewed 350 people across the country by making up for lost numbers with interviews conducted in the other Regions. To ensure effective coordination and support to the research process, the NHRC constituted a National Team which comprised officials from the NHRC, Gambia Press Union (GPU), National Council for Civic Education (NCCE) and West Africa Network for Peacebuilding (WANEP). This team designed and prepared the questionnaires and prepared the study report.

A second and more institutionally oriented questionnaire was used to reach CSOs, development partners and MDAs. This questionnaire was adapted to the respective institutions while maintaining the main content of the questions. It was then shared online with 38 institutions.

Primary Data Collection

The follow-up study administered two different questionnaires. The main questionnaire was administered in person by data collectors across the country, while an online questionnaire was sent to 38 institutions, which included Government Agencies, media houses, Civil Society Organisations and United Nations Agencies. However, only 9 institutions responded to the questionnaire; none of the Government agencies that were sent the questionnaire responded. Consequently, a total of 359 respondents were reached. The responses elicited from the above exercises were analysed to provide a graphical representation as well as provide qualitative data to elaborate on the findings.

Secondary Data Collection

Secondary data was obtained through desk research, review and analysis of existing laws, policies and literature on the subject. The NHRC 2024 Study on the Prevalence of Hate Speech was also reviewed and used for comparative analysis where necessary. Through this process, the following legal instruments were reviewed:

Domestic legislation:

- a. The Constitution of the Republic of The Gambia 1997.
- b. The Criminal Offences Act, 2025.
- c. Access to Information Act, 2021.
- d. Public Order Act, Cap 22:01

Regional and International Legal Instruments and Frameworks:

- a. African Charter on Human and Peoples' Rights
- b. African Charter on the Rights and Welfare of the Child

- c. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- d. International Covenant on Civil and Political Rights
- e. The UN Strategy and Plan of Action on Hate Speech, 2019.
- f. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, 2012.

Other academic, authoritative and media publications were also used to provide examples and instances of hate speech as well as recommended practices.

1.4. Limitations of the Follow-up Study

The Follow-up Study has some limitations. Due to financial constraints, only 350 respondents were interviewed in person. While the online questionnaire was sent to 38 institutions, only 9 institutions responded despite many follow-ups by the research team. This poor response rate affected the analysis of the institutional measures to counteract hate speech.

While the Follow-up Study has taken some steps to improve the number of respondents interviewed as well as the regional representation, several limitations need to be acknowledged. First, this follow-up study, due to financial and human resource constraints could only engage 350 Respondents for the main questionnaire and 9 Respondents for the online questionnaire.

PART 2: THE FOLLOW-UP STUDY

2.1. Literature Review

a. Domestic Legal Framework

i. *The 1997 Constitution*

While there is no specific constitutional provision on hate speech, the 1997 Constitution provides for limitations on expression, religious practice, and conscience.² It also provides for an anti-discrimination provision under section 33. The 1997 Constitution did not specifically proscribe hate speech. However, it prohibits discrimination based on ethnicity, social origin, or race.³ While section 25 guarantees freedom of expression, association and conscience, neither are absolute rights as legitimate restrictions are allowed. Section 25(4) provides that these rights shall be exercised in accordance with the law so far as

‘The law imposes reasonable restrictions on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, *national security, public order, decency or morality*, or in relation to contempt of court.’

The 1997 Constitution, therefore allows for laws that restrict expression, on the basis of protecting the population from hate speech and its devastating impacts on society. These limitations would justify reasonable legislative limitations on expression to protect individuals and groups from hate speech. In future constitutional-making processes, it is important to draw inspiration from the 2024 Study on the prevalence of hate speech in The Gambia and specifically include provisions to combat hate speech.

Despite two attempts to promulgate a new Constitution, the 1997 Constitution remains the supreme law of The Gambia. Both the 2020 Draft Constitution and the 2024 Draft Constitution could not get the required votes at the Second Reading in the National Assembly and thus could not be subject to a referendum.⁴ However, both Drafts recognised hate speech as a basis for legitimately restricting expression.

ii. *The Criminal Offences Act, 2025*

This legislation, which repeals the Criminal Code of The Gambia, Cap 10:01, prohibits hate speech. Section 58 of the Criminal Offences Act, 2025, specifically proscribes incitement to violence and hate speech. To comprehend the parameters of the offence, section 58 is reproduced below:

² 1997 Constitution of The Gambia Section 25.

³ Section 33(3) 1997 Constitution.

⁴ See the 2024 Study at page 42 for an overview of the 2020 Draft provisions on hate speech.

1) A person, who, without lawful excuse, prints, publishes or to any assembly, makes any statement *indicating* or *implying* that it would be incumbent or desirable to do any acts calculated to -

- (a) bring death or physical injury to a person or to any class or community of persons; or
- (b) lead to destruction or damage to any property, commits an offence for which he or she may be arrested by a police officer without warrant and is liable on conviction to imprisonment for three years.

(2) A person who -

- (a) utters, prints, or publishes through radio, television, computer system or network, at a public place or rally or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, gender, disability or any other characteristics,
- (b) promotes feelings of ill-will and hostility between different classes of the population, and
- (c) before the public at large incites hatred against any national, ethnic, racial or religious group, commits an offence and is liable on conviction to imprisonment of not less than three years and not more than five years.

The wording of section 58(1) of the Criminal Offences Act, 2025 has several important elements or criteria that need to be met. First, the perpetrator will have to print, publish or make a statement without lawful excuse. Secondly, said expression should *indicate* or *imply* that it would be incumbent or desirable to do any acts calculated to bring death or physical injury to a person or to any class or community of persons, or lead to destruction or damage to any property. This puts in place the need to prove not only making the hateful expression, but the expression should also indicate or imply the desirability of getting one of the above consequences.

While incitement to hate speech is punishable with imprisonment of up to three years, the crime of hate speech based on race, religion, national or ethnic origin, descent, colour, gender, disability or other characteristics carries an imprisonment term of between three and five years. In the context of spreading hate speech and inciting others to either commit or aid the commission of the crime, it is worth noting that a perpetrator may be charged under multiple provisions of the Criminal Offences Act, 2025. For example, in addition to the two offences created under section 58 above, the Criminal Offences Act prohibits incitement under section 30 and threatening violence under section 77, both of which carry sentences of up to three years.

Section 113 of the Criminal Offences Act 2025 provides as thus:

A person who, with the deliberate *intention of wounding the religious feelings of another person* -

- (a) utters or writes any word;
- (b) makes any sound in the hearing of that person;
- (c) makes any gesture in the sight of that person, or
- (d) places any object in the sight of that person,

commits a misdemeanour and is liable on conviction to imprisonment for one year.

Religion-based hate speech can be punished under this provision. Section 112 of the Criminal Offences Act, 2025, also prohibits trespassing on burial sites with the intention of insulting or dehumanising the religion of a person. In the context of religious and caste differences in The Gambia, this is important as instances of disruption in burial and related rites due to social differences have been experienced in The Gambia.

iii. Public Order Act, Cap 22:01

The Public Order Act makes provision for the maintenance of public order during public processions and assemblies, and for the use of apparatus for amplifying sound.⁵ The Act lays down procedures for the application and granting of a permit to organise processions. Under section 9 of the Act, a person who uses abusive or insulting language during processions commits an offence and is liable on conviction to a fine of Twenty Five Thousand Dalasi or to imprisonment for a term of one year or both. This provision could be interpreted to include expressions that amount to hate speech.

b. International framework on hate speech

International human rights law protects fundamental rights, including the freedom of opinion and expression.⁶ Both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) safeguard freedom of thought, conscience, and religion. Both freedom of speech and expression are fundamental rights guaranteed under regional and international human rights instruments. However, these rights are not absolute as they may be restricted on legitimate grounds. International and regional human rights provisions have laid out criteria for such legitimate restrictions. The criteria laid out as a tripartite test require that:

1. The restriction must be set in law,
2. Respond to legitimate grounds,
3. and be necessary to the realisation of the protected interest.⁷

⁵ See the Long Title of the Public Order Act.

⁶ Ferdaouis Bagga, 'Apostasy, blasphemy, and Hate Speech laws in Africa: Implications for Freedom of Religion or Belief' 2019, P. 6.

⁷ Arthur E Gwagwa, Africa Hate and Incitement Speech, Policy Brief, 2017.

The above forms the basis of legitimate restrictions on freedom of speech that are widely recognised under both the global (UN) and the African Union (AU) human rights systems.

i. The International Covenant on Civil and Political Rights (ICCPR)

Article 19 of the ICCPR protects freedom of expression but recognises limitations such as those based on public order, morality, national security and rights of others. The ICCPR also prohibits any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁸ Under article 20 (2) of the ICCPR, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. This provision outlines a general obligation of State Parties to legislate against hate speech, thus justifying domestic legislative measures.

ii. The Genocide Convention 1948

Among the acts prohibited under Article 3 of the Genocide Convention is 'direct and public incitement to genocide'. An expression of hatred inciting violence is punishable under the said provision. For the expression to constitute incitement under the Convention, however, it must be direct and public.

iii. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits all propaganda, ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.⁹ Essentially, Article 4 of the ICERD prohibits certain speech such as the dissemination of ideas based on racial superiority, the dissemination of ideas based on racial hatred, the incitement to racial discrimination, the incitement to act of racially-motivated violence, the provision of assistance to racist activities, organisations which promote or incite racial discrimination, and of course, act of racially-motivated violence, which are outside the scope of freedom of expression.

This identifies a broader range of speech that is prohibited, in terms of the motivation, in particular of the persons speaking. However, there are many key words in that article which are very vague, including the use of the word propaganda.

iv. General Comment No.34 on Article 19: Freedoms of opinion and expression

This General Comment recognises freedom of expression as a necessary condition for the realisation of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights. It also recognises the relationship of freedom

⁸ Article 20, ICCPR.

⁹ Article 4 ICERD.

of expression to the other rights in the ICCPR and notes that “while reservations to particular elements of article 19, paragraph 2, may be acceptable, a general reservation to the rights set out in paragraph 2 would be incompatible with the object and purpose of the Covenant.’ The General Comment also notes that public figures are legitimate targets of criticism and political opposition, thus making it more difficult to justify restrictions on expression against political public figures.

Further, the General Comment stated that ‘when a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in a specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.’ It added that ‘the Committee reserves to itself an assessment of whether, in a given situation, there may have been circumstances which made a restriction of freedom of expression necessary’.¹⁰ Consequently, any restriction on expression must align with the ICCPR and the guidelines in this General Comment.

v. UN Resolutions

UN Security Council resolutions regularly condemn incitement to violence and the spread of hate speech and often call for reporting on acts of incitement to violence. In rare cases, the UN has authorised and called for sanctions against those responsible for acts of incitement based on ethnic and religious identity, such as in the cases of Côte d’Ivoire or the Central African Republic.¹¹

United Nations Human Rights Council Resolution 16/18¹² recognises that the promotion of inclusion, diversity, and pluralism is the best antidote to ‘hate speech,’ along with policies and laws to tackle the root causes of discrimination. UN Human Rights Council resolutions, though not binding, are often grounded in States’ international human rights obligations, and represent a commitment by States to take action on specific human rights issues.¹³

c. AU Laws, Policy & Jurisprudence on Hate Speech

vi. African Charter on Human and Peoples’ Rights

The African Charter on Human and Peoples’ Rights has no provisions on incitement. Therefore, continental human rights bodies have very limited case law on hate speech or incitement as speech. However, Article 3 provides for the enjoyment of all rights in the Charter without

¹⁰ CCPR/C/GC/34 Para 35.

¹¹ See UN Security Council Resolution 2399(2018). Available at:

https://digitallibrary.un.org/record/1467243/files/S_RES_2399%282018%29-EN.pdf

¹² RC Resolution 16/18 on ‘Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief,’ adopted by consensus on 24 March 2011.

¹³ Article 19 ‘Responding to ‘hate speech’ with positive measures: A case study from six EU countries’ (2018) P. 9.

distinction of any kind, such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Freedom of expression, association and conscience are all protected under the Charter but article 27(2) of the Charter provides that:

‘The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.’

This provision puts some limitations on the right to freedom of speech and expression, conscience and association under the Charter. Also, both the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights have held that restrictions on the right to freedom of expression are legitimate in exceptional circumstances. The following cases are examples:

1. *Monim Elgak and others v. Sudan (2015).*

The case relates to the arrest and interrogation of Monim Elgak, Osman Hummeida, and Amir Suliman due to their alleged cooperation with the International Criminal Court’s investigation concerning the human rights situation in Sudan. The Commission recalled that in addition to the grounds set out in Article 27 of the African Charter, any restriction on freedom of expression must also “*...be provided by law, serve a legitimate interest and be necessary in a democratic society.*” However, the Commission ruled that there was no justifiable reason to restrict the Applicants’ freedom of expression in that case since their alleged work for the International Criminal Court could not be deemed to have threatened national security.

2. *Sebastien Germain Marie Aïkoue Ajavon v. Benin (2020).*

The applicant argued that the Beninese parliamentary elections of April 2019 were irregular, since they were based on a series of electoral laws inconsistent with international human rights law. Furthermore, it claimed that the law revising the Constitution and several subsequent laws adopted by the authorities elected in the said election have caused numerous human rights violations. In its decision, the African Court analysed a series of alleged violations of the African Charter argued by the applicant, amongst which was an alleged violation of the right to freedom of expression due to a set of amendments to the Digital Code. The amendments used criminal law to punish the offences of racially motivated and xenophobic insults using a computer system, and those of incitement to hatred and violence on the grounds of race, colour, national or ethnic origin, or religion. In its judgment, the African Court analysed the amendments and concluded that it was a legitimate limitation on the right to freedom of expression. It argued that the measure was prescribed by law, and the prohibited acts that fall under limitations permitted by international human rights law were necessary and proportional.

3. *Agnes Uwimana-Nkusi v. Rwanda.*

In this case, the Commission relied on European human rights jurisprudence in relation to expressions amounting to “genocide denial” and their lack of protection under international laws. The Commission examined whether expressions concerning the Rwanda Genocide of 1994 amounted to “genocide denial.” The Commission cited *Garaudy v. France*¹⁴ and *Hans-Jurgen Witzsch v. Germany*,¹⁵ whereby the European Court of Human Rights articulated that the denial of the holocaust could amount to an abuse of the right to freedom of expression; therefore, speeches of such nature are not protected pursuant to Article 10 of the European Convention on Human Rights. Also, in *Agnes Uwimana-Nkusi v. Rwanda*, the Commission indicated that, according to *Perincek v. Switzerland*,¹⁶ special regard must be given to a State’s historical experience in assessing the legality of a restriction imposed on free speech.

vii. *Other Conventions under the AU*

Both the Maputo Protocol and the African Disability Protocol prohibit discrimination against women and persons with disabilities, respectively.¹⁷ For example, Article 2 of the Maputo Protocol provides that ‘States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures’.

Article 5(1) of the African Disability Protocol provides that ‘every person with a disability shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in this Protocol without distinction of any kind on any ground including, race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.’ Article 5(2) further provides that States Parties shall ‘prohibit discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.’ These generic anti-discrimination clauses are useful in prohibiting discriminatory and hateful expressions against these groups.

d. Conclusion

While there are general provisions in UN and AU instruments that may be useful in combating hate speech, the domestic legal framework of The Gambia lacks specific legislation that adequately regulates hate speech. General Comment No. 34 on Article 19 of the ICCPR has made it clear that restrictions on expression must strictly adhere to set standards. Consequently, domestic legislation on hate speech must observe these standards and uphold The Gambia’s obligations at the UN and AU levels.

¹⁴ ECtHR, *Garaudy v. France*, App. No. 65831/01 (2003).

¹⁵ ECtHR, *Hans-Jurgen Witzsch v. Germany*, App. No. 7485/03.

¹⁶ ECtHR, *Perincek v. Switzerland*, App. No. 27510/08 (2015).

¹⁷ See Article 3 and 5 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities.

2.2. Analysis Of The Field Data

The Follow-up Study had a wider reach to administer questionnaires around the country. While the data largely confirms the findings of the 2024 Study, many respondents identified politicians and the media as perpetrators of hate speech. Further, the field data highlights low levels of awareness about hate speech in The Gambia and confirms the urgency for action.

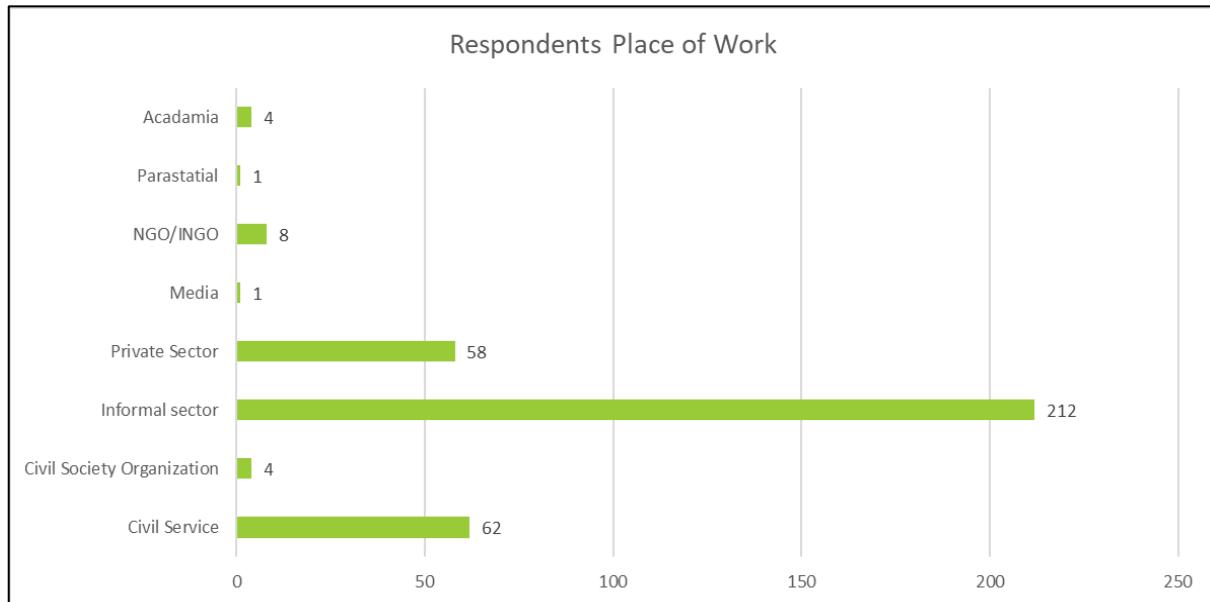
a. Background of respondents

Compared to the 2024 Study, which interviewed a total of 202 respondents, this Follow-up Study interviewed 350 respondents across all seven regions of the country through the administration of an in-person general (main) questionnaire. A careful balance of target respondents ensured the inclusion of people from different backgrounds and levels of education.

As seen in Figure 1 below, out of 350 respondents to whom the main questionnaire was administered, 212 respondents were from the informal sector. The distribution of the respondents from the other sectors was: Civil Service Sector, 62 respondents; private sector, 58 respondents; NGO/INGO (8); academia (4); CSOs (4); media (1); and parastatals (1).

A second questionnaire was sent to 38 institutions, including civil society organisations (17), Government Ministries and Agencies (MDAs) (12), Local Government Authorities (8) and the OHCHR (1). However, only 9 institutions responded.

Figure 1: Background of Respondents to the Main Questionnaire

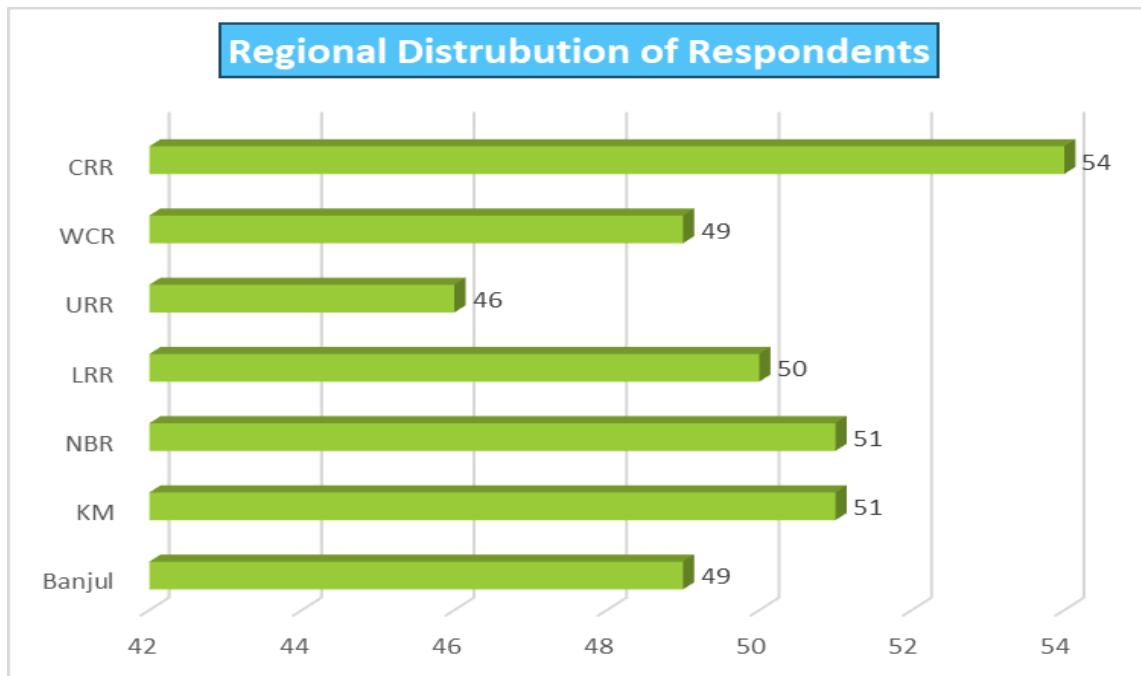


b. Regional Distribution of Respondents

Figure 2 below provides a synopsis of the regional distribution of respondents. Central River Region had a higher number of respondents (54), Kanifing Municipality and North Bank Region (51) each, Lower River Region (50), Banjul and West Coast Region (49) each and Upper River

Region (46). It should be noted that these numbers are not proportional to the regional population but rather represent a random sampling of the respondents.

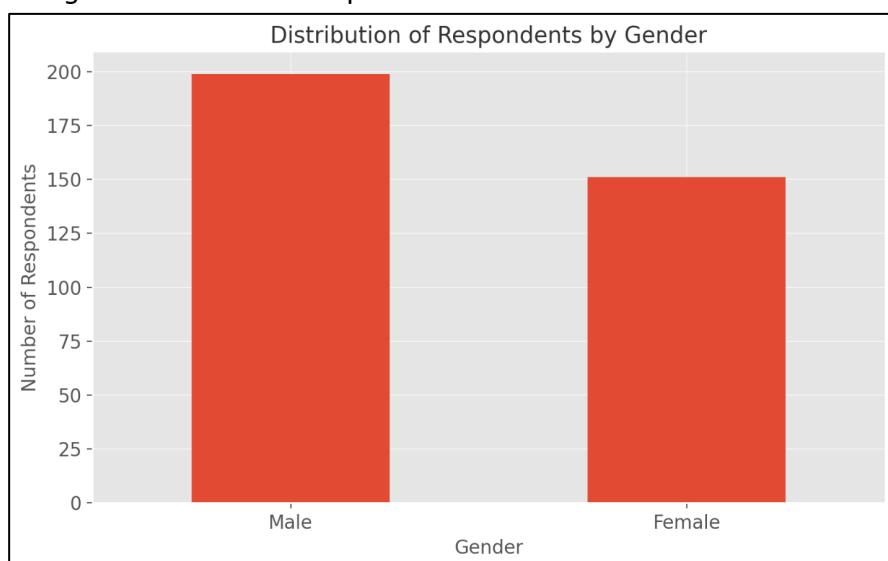
Figure 2. Regional Distribution of Respondents



c. Gender of Respondents

As illustrated by Figure 3, out of the 350 respondents to the main questionnaire, 57% were male and 43% were female. In contrast, during the 2024 study, the targeted survey respondents were predominantly male for both government and CSO respondents, 71% and 90% respectively.¹⁸

Figure 3. Gender of Respondents

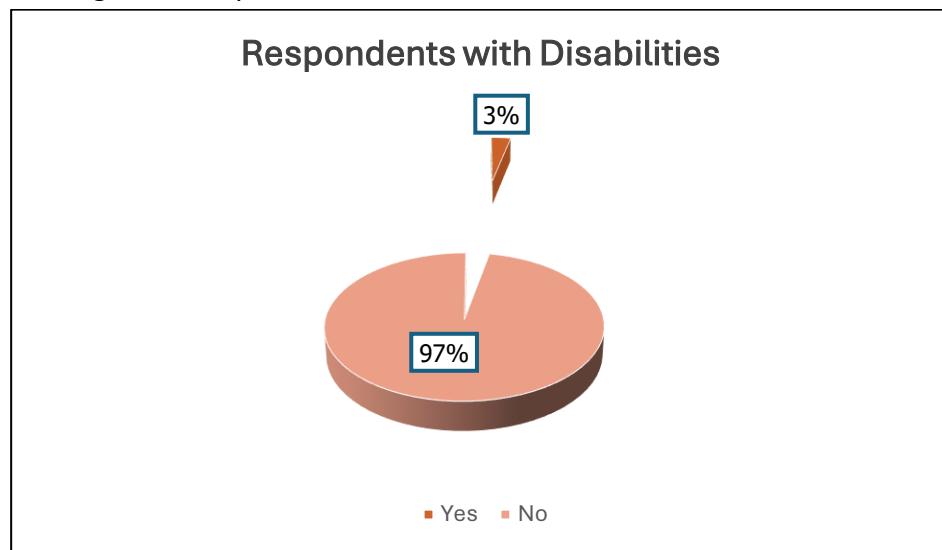


¹⁸ 2024 Study P. 15.

d. Respondents With Disabilities

Twelve of the respondents were people with disabilities (PWDs), representing 3% of the respondents.

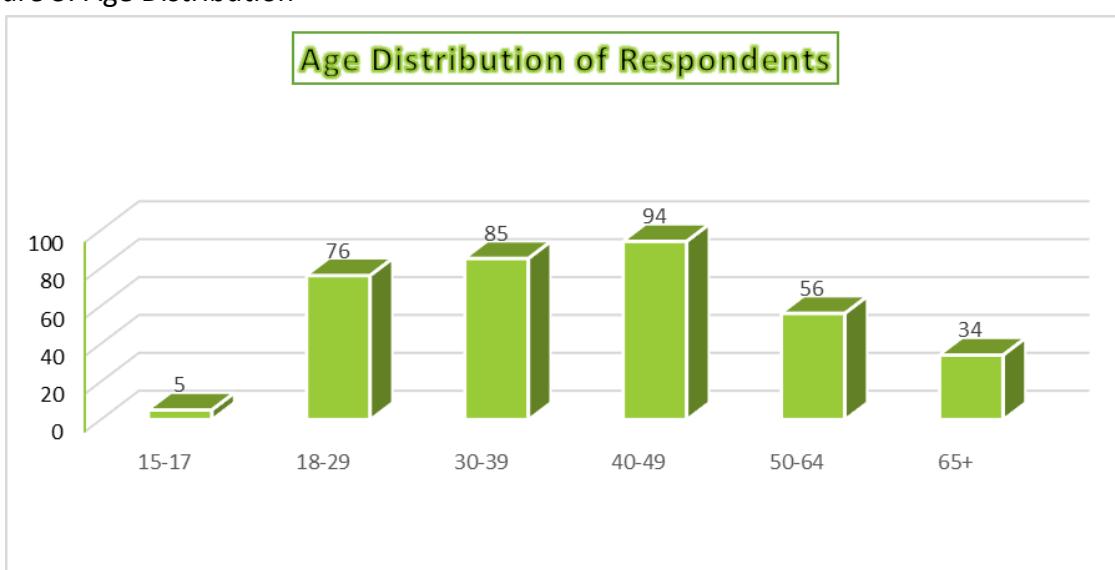
Figure 4: Respondents with Disabilities



e. Age Distribution

As illustrated by Figure 5, 46.85% percent of the respondents are below the age of 40 years, while 52.57% are above 40 years. Compared to the 2024 Study, in which 61% of the respondents were under the age of 40,¹⁹ the Follow-up Study has a higher representation of older persons. This is because while the 2024 Study used an online survey, which is more accessible to the youth category, the Follow-up Study primarily used in-person interviews to be able to capture those who have less access to the internet or cannot use it.

Figure 5. Age Distribution



¹⁹ 2024 Study P. 12.

f. Understanding hate speech

The global challenge in defining hate speech continues to be a topic of academic discourse.²⁰ While many definitions are considered vague or not precise enough, this Follow-up Study adopts the United Nations definition in the UN Strategy and Plan of Action on Hate Speech which defines hate speech as... “**any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are**, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”

Responses from the data show the respondents’ varied understanding of the term “hate speech. While 34 participants, representing 9.7% of the respondents, indicated that they do not know what hate speech is or cannot define hate speech, 90% of the respondents gave answers including some of the following definitions to the question, “In your opinion, what is hate speech?

‘Hate speech refers to an expression intended to communicate that attacks or uses pejorative or discriminatory language against a person or a group. ’

‘Speech uttered because we cannot accommodate our differences.’

‘*Kuma Kang Jawoo/kurungoo*’. (Mandinka words which means ‘bad/ugly/derogatory statement’)

‘*Kaadu bu Nyaaw/Bonn*’ (Wollof words which mean ‘bad/ugly/derogatory statement’)

‘In my opinion, hate speech is the use of derogatory remarks that are capable of inciting violence.’

‘Hate speech is the act of angrily spewing bad words at a tribe or an individual. ’

‘Insults and hurtful words’.

‘From a media practitioner’s perspective, hate speech refers to any form of communication - spoken, written, or behavioural—that attacks or uses pejorative or discriminatory language toward a person or group based on attributes such as race, religion, ethnicity, sexual orientation, gender, disability, or nationality. It is speech that is intended to incite hatred, violence, or prejudice, often exploiting stereotypes and fear.’

‘Hate speech is insulting an entire tribe. ’

In their responses, some of the respondents indicated that hate speech is a type of speech that is ‘common in the marketplaces’, is directed at people due to tribal differences or has the

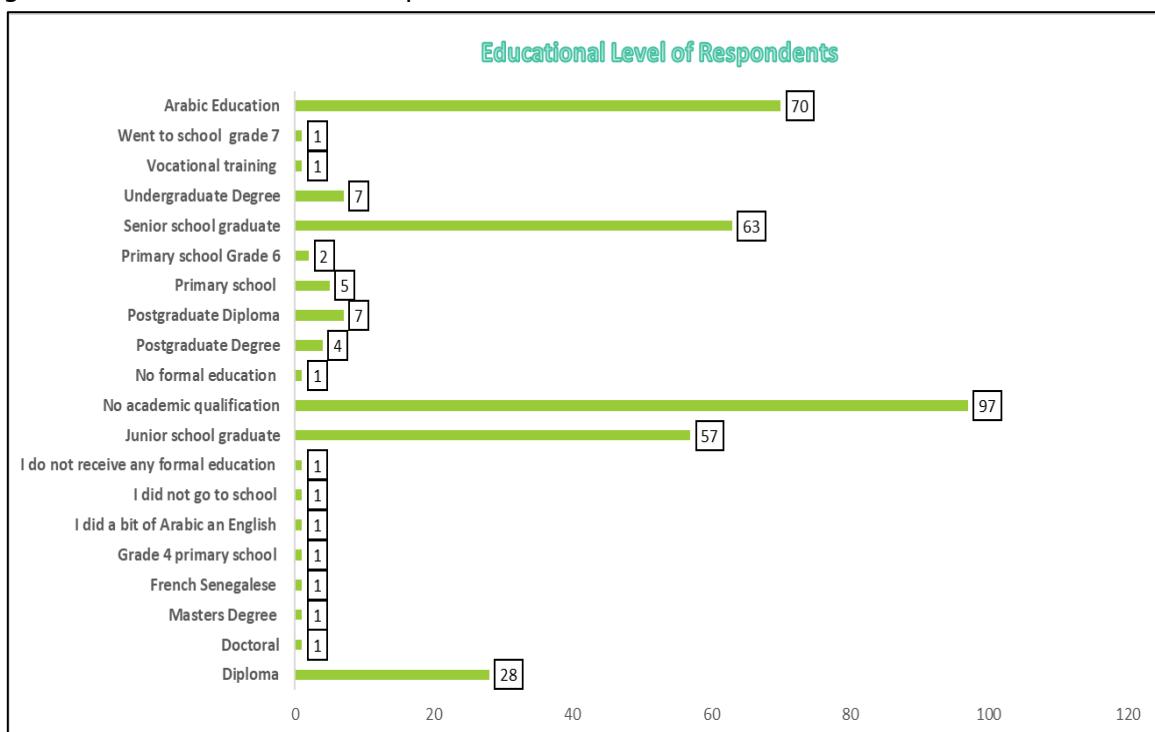
²⁰ NHRC Research on Hate Speech 2024 P. 10.

potential to ignite violence if no action is taken against it. Other respondents included key terms such as insults, hate, hurt, and bad words in their definitions of hate speech.

g. Education Level of Respondents

Figure 6 below shows the education levels of the respondents. While it is not conclusive that the education level of respondents informs their understanding of hate speech, it is important to note that higher levels of education tend to increase people's knowledge of social and political phenomena.²¹ Thirty-three per cent of the respondents had either no formal education or their levels of education were below Grade 7 (Junior Secondary School). This represents a higher percentage of people with low education or no formal education compared to the 2024 study.

Figure 6. Education Levels of Respondents

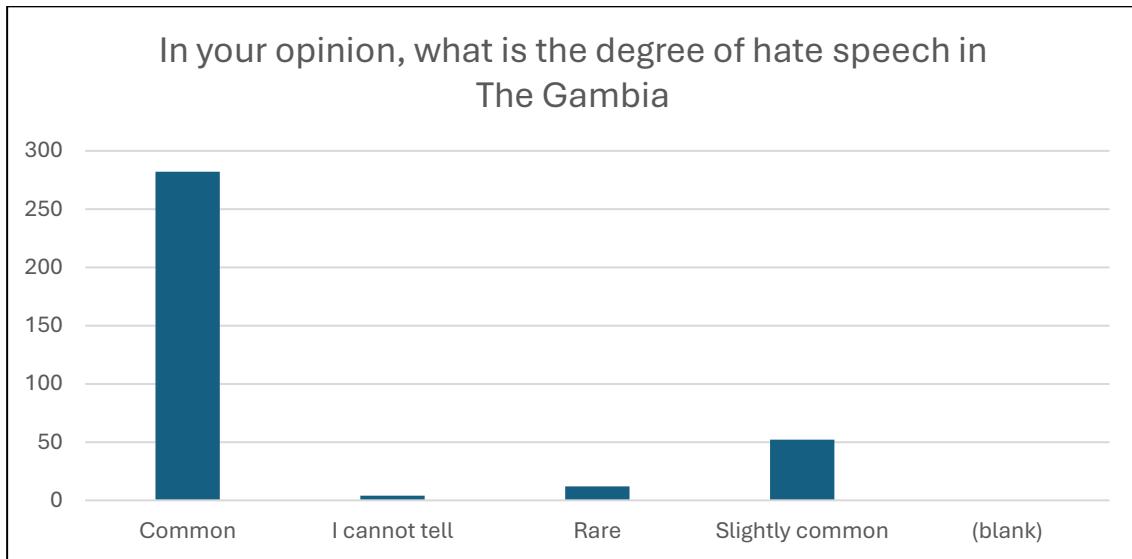


h. Perceptions of Hate Speech

Perception of the existence of hate speech in The Gambia remains high. As illustrated below, 282 respondents, representing 80%, indicated that hate speech is common in The Gambia. Compared to the 2024 Study, which had just 58% respondents indicating that hate speech is common, the perception of the existence of hate speech has increased by 22 per cent. Only 12 (3%) respondents indicated that hate speech is rare.

²¹ E Quintellier 'The effect of schools on political participation: a multilevel logistic analysis' <https://doi.org/10.1080/02671520802524810> accessed 20th July 2025.

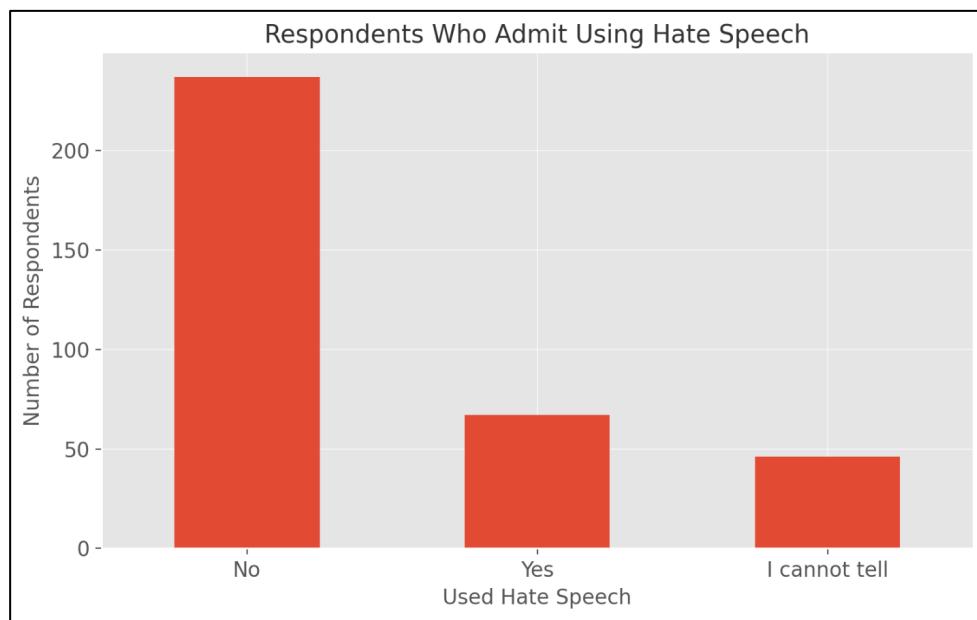
Figure 7. Perceptions of hate speech in The Gambia



i. Admission of using hate speech

Figure 8 illustrates the number of respondents who admitted to using or uttering hate speech. While 260 respondents indicated that they never used hate speech, 71 respondents admitted to using hate speech, and 49 indicated that they 'cannot tell'. This highlights the prevalence of hate speech in The Gambia.

Figure 8. Respondents who admitted to using hate speech



j. Perpetrators of hate speech

In terms of perpetrators of hate speech, the following groups were the most cited. Two hundred and two (57%) respondents to the in-person questionnaire strongly agreed that the media perpetuates hate speech. This is significant as it points to a correlation between media usage (electronic and print) and the spread of hate speech.

One hundred and fifty-four respondents strongly agreed with the question “Are young people perpetrators of hate speech?”. However, 272 respondents strongly agreed with the question “Are politicians perpetrators of hate speech?”. This represents 77% of the respondents, highlighting the crucial role that political figures play in perpetrating hate speech. This finding supports the 2024 Study, which identified politicians as the greatest perpetrators of hate speech. Examples of hateful language from politicians and political party supporters are cited below:

In April 2025, an alleged NPP supporter was heard on WhatsApp saying:

‘... I have to say this. I would apologise for the elders in the forum. But I want to say that ... is true and I agree with it because Fulas are *‘jangfakat’* (betrayers), Fulas are *‘orr kat’* (betrayers). It is enough. We had given our vote to a Fula, and he betrayed us. If they want a place to contest, surely it is not in Half-Die. Let them go to Guinea and contest there, but not here in Half-Die. The Fula are betrayers. I’m sorry for these words, because of the elders in the forum...’²²

This was flagged as hate speech as it contained derogatory, discriminatory and xenophobic language against a group. Further, while 40 respondents (11%) strongly agreed that religious leaders perpetuate hate speech, 56 (16%) respondents strongly disagreed, and 30 (8%) partly disagreed. This highlights a significant difference from the 2024 study, when 34% of the respondents identified religious leaders as perpetrators.

In July 2025, while addressing the decision of the Government to withdraw its nomination of a former Minister of Justice for the position of a judge with the International Court of Justice, the leader of the main opposition party was accused of using tribal undertones in his criticism of this decision. He is quoted as saying:

‘Let’s not talk about tribe—I never have.....But if it were about tribe, I wouldn’t have endorsed the nomination.....Everyone knows he’s a Sarahule... I supported him not because of his tribe, but because he’s a competent Gambian..... I want the Sarahules to judge for themselves. Your son was in the running... Yet Adama Barrow chose to withdraw his nomination in favour of a Nigerian.’²³

This statement sparked a lot of tribally charged debate on social media, with many relating the statement to politicising ethnicity.

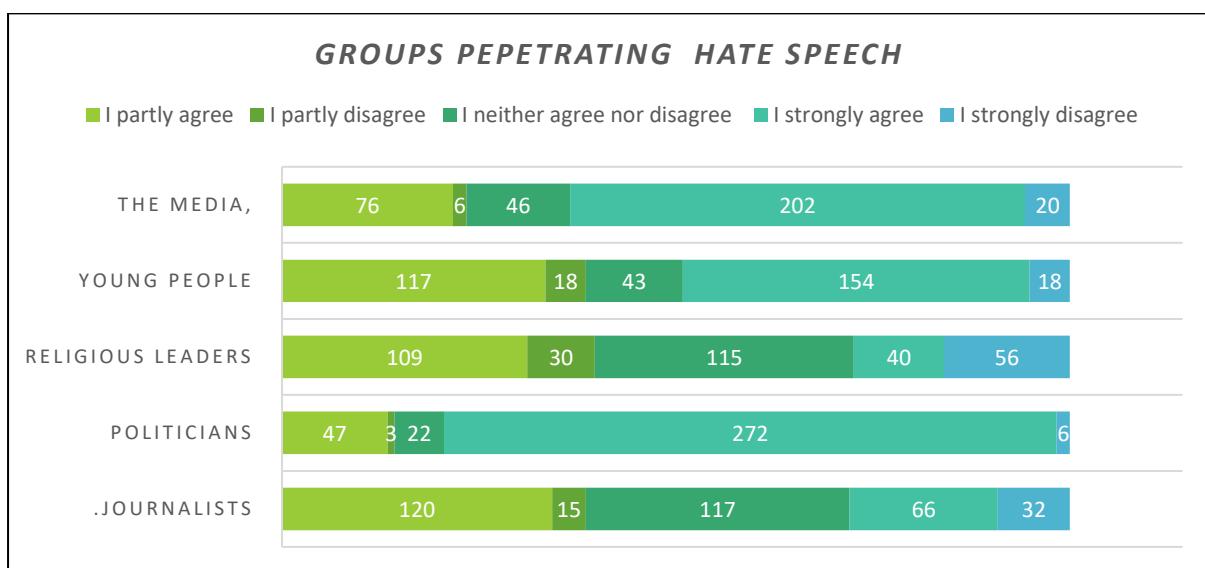
²² <https://malagen.org/election-hub/hate-speech-alert-npp-supporter-targets-ppp-candidate-in-half-die-by-election/> (accessed 7th August 2025).

²³ <https://gambiah.com/darboes-tribal-framing-of-icc-nomination-overshadows-real-reasons-behind-batambadous-withdrawal/> (accessed 7th August 2025).

Barely two weeks after this incident, the Deputy Spokesperson of the NPP, while on a radio programme, accused the United Democratic Party of tribalism.²⁴ This generated a lot of reaction both online and in print and broadcast media. The UDP responded in a statement labelling the Deputy Spokesperson's statements as 'divisive and reckless'. While on their own, these statements may not qualify as hate speech, the reaction of supporters on either side of the political divide was chilling as supporters continued with the conversation and attacked one another online. Consequently, it is important for political leaders to be measured in their speech to avoid fueling hate speech.

In response to the question '*what other (if any) vehicle of hate speech exists in The Gambia?*', respondents highlighted several avenues or platforms. The majority of the respondents mentioned or identified political rallies, public gatherings, social media and religious gatherings as main vehicles for hate speech.

Figure 9. Group Perpetrating Hate Speech

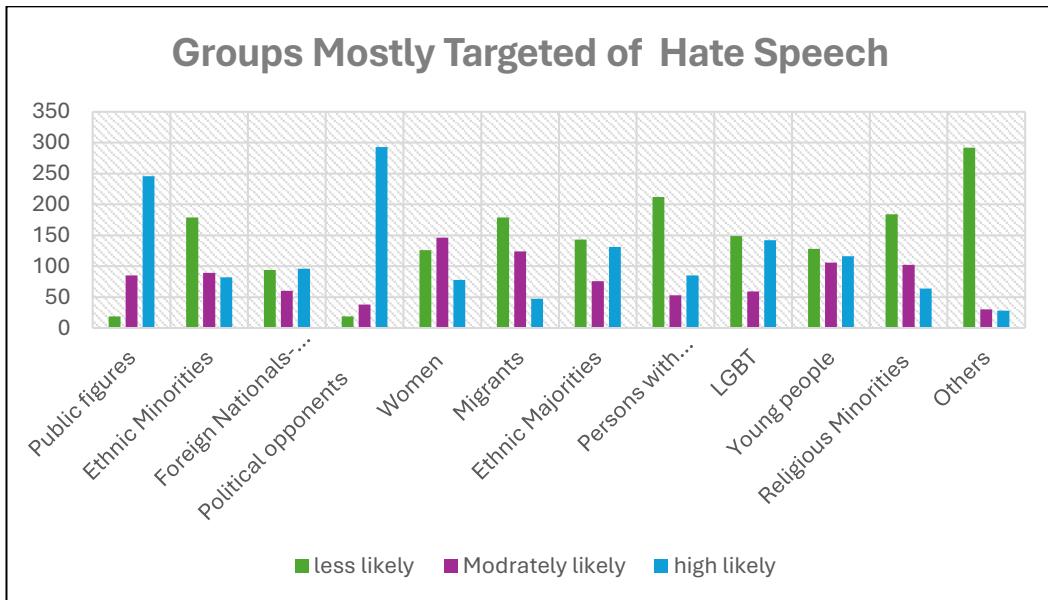


k. Victims/targets of hate speech

Figure 10 below illustrates those who are most likely to be victims or targets of hate speech. Political opponents and public figures were identified as groups who are highly likely to be targets or victims of hate speech by 293 (83%) respondents and 246 (70%) respondents, respectively. The groups that were indicated to be frequent targets of hate speech were sexual minorities, 142 (40%) respondents, ethnic majorities, 131 respondents (37%), young people, 116 respondents (33%), and foreign nationals, 96 respondents (27%). Persons with disabilities (24%), ethnic minorities (23%), women (22%), and religious minorities (18%) were also mentioned to be likely targets of hate speech.

²⁴ <https://fatunetwork.net/udp-responds-to-seedy-njie-his-remarks-are-divisive-and-reckless/> (accessed 7th August 2025).

Figure 10. Groups mostly targeted for hate speech



I. Ethnic Groups Most Targeted

In recent years, political figures from both the ruling party and opposition have been captured on record spouting tribal rhetoric during public addresses. This reflects a deeper tendency of the public to blame, scapegoat and discriminate against one another based on tribal lines. The data from the respondents has placed tribe as a reason for targeting individuals for hate speech.

Figure 11 below shows the level of perception of respondents regarding ethnic groups that are likely to be targets for hate speech. The majority of the respondents, 251 (71%), indicated that the Serer, Balanta 216 (61%), Sarahule 206 (58%), and Manjago 189 (54%) are perceived to be unlikely targets of hate speech. Conversely, 118 respondents representing 33% indicated that Mandinkas are very likely to be targets of hate speech, followed by Jolas and Manjagos, 18 (5%), and Fulas, 16 (4%).

Some respondents indicated in their responses that other people have used pejorative or discriminatory and hurtful terms towards their tribes or were present when these terms were directed at other tribes. These pejorative descriptions of the tribes include the following: 'The Jolas are not patriotic Gambians.'

'Mandinkas are a selfish tribe who only think about themselves and no other tribe.'

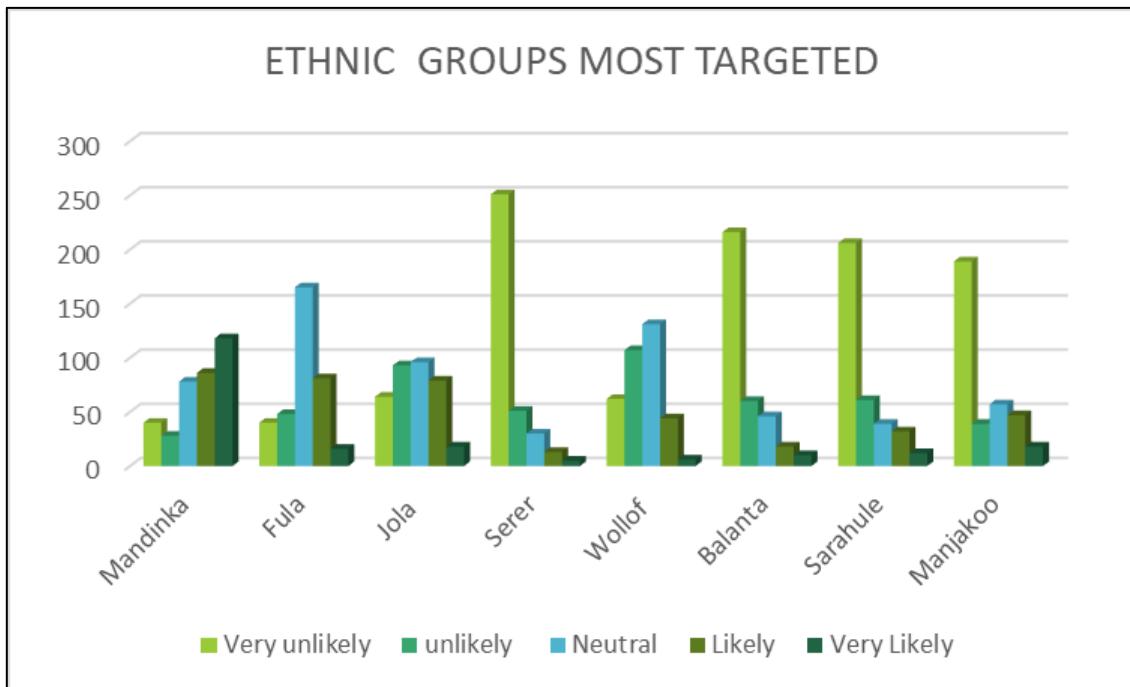
'These Fulas are very heartless.'

'Fulas are just bad; they always steal.'

'Balantas are not civilised.'

All these statements are not only rooted in tribal sentiments, but they are discriminatory and have the potential to incite hatred, disapproval and resentment against the targeted tribe. While the above findings reaffirm the findings of the 2024 Study that - the larger ethnic groups, rather than minority ethnic groups, are believed to face more hate speech incidents²⁵ - it is worth noting that the distribution of the respondents for this Study did not follow an even or proportionate distribution of respondents among the different tribes.

Figure 11. Ethnic Groups most targeted.



m. Non-Gambians as targets

Like the 2024 Study findings, which indicated that Nigerians are the most likely to be targeted for hate speech, followed by Ghanaians, Lebanese and Indians,²⁶ this Follow-up Study also shows that non-Gambians are still at the receiving end of hate speech.

In this Follow-up Study, Nigerians remained the most targeted, with 242 (69%) respondents indicating that this group is highly likely to be targeted. There is, however, a shift in the second most targeted group, with 200 (57%) of the respondents identifying Guineans as highly likely to be targeted. This is followed by the Senegalese at 42% and Mauritians at 26%. It should be noted that the 2024 study, due to an oversight, omitted Guineans, Senegalese and Mauritians in the survey.

Some of the non-Gambian respondents recounted their experiences in their responses. One respondent stated that '*As a foreign national, I'm always reminded that I should act right or*

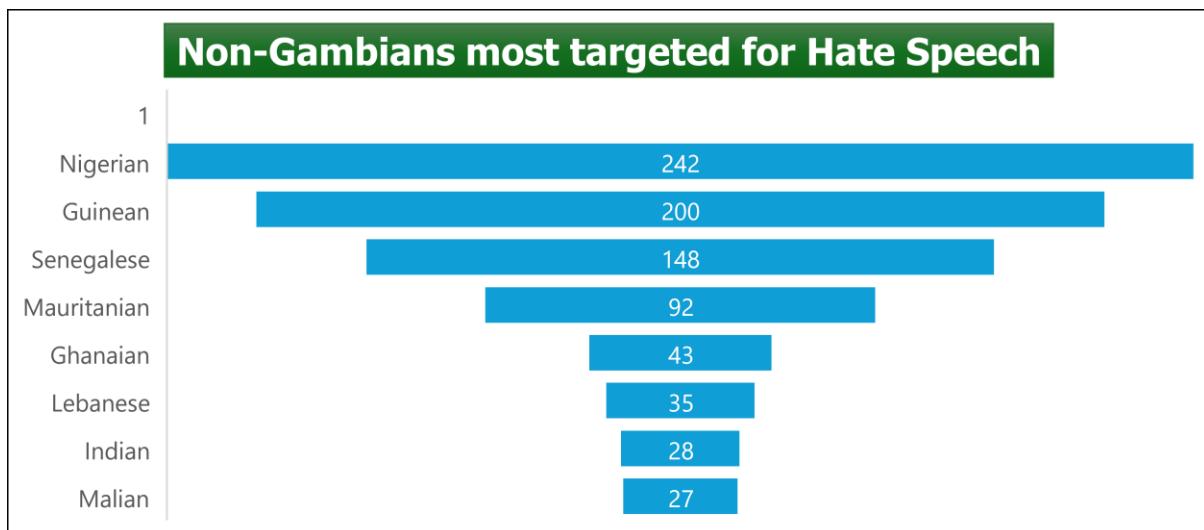
²⁵ NHRC 2024 Hate Speech Study P. 22.

²⁶ As above Page 25.

be sent back to where I am from.' Another respondent stated that he is always at the receiving end of statements such as '*These Senegalese are the ones spoiling our country, we will send them back*'.

Relating to some of the discriminatory statements directed at foreign nationals, one respondent stated that '*A police officer stopped me on the way to ask for my documents and after which he said "you foreigners are not citizens of Gambia and are adding to our problems*'.

Figure 12. Non-Gambian nationals targeted



n. Platforms of hate speech

Hate speech exists in a complex nexus between the right to freedom of expression and that of non-discrimination, in addition to concepts of dignity, liberty, and equality.²⁷ 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, ethnic and religious tension.²⁸ According to the UN High Commissioner for Human Rights, Volker Turk, '*carefully regulating online hate speech to avoid harm is not censorship. It is an essential plank of information integrity in the digital age – and the responsibility of social media platforms.*'²⁹ The use of platforms such as Facebook, Twitter, and TikTok has seen a rise in hate speech and other offensive messages. In 2018, for example, an investigation conducted by Reuters and the Centre for Human Rights, University of Berkeley, found over 1000 posts calling the Rohingya and other Muslims maggots, dogs and rapists.³⁰

²⁷ Natalie-Alkiviadou 'Platform Liability, Hate Speech, and the Fundamental Right to Free Speech' available at <https://www.humanrightshere.com/post/platform-liability-hate-speech-and-the-fundamental-right-to-free-speech> accessed 25th July 2025.

²⁸ NHRC Newsletter May 2023 P. 6.

²⁹ Statement of Volker Turk, UN High Commissioner for Human Rights Available at <https://unis.unvienna.org/unis/topics/opeds/2025/freedex.html> (accessed 21st May 2025).

³⁰ A L Pérez 'The "Hate Speech" Policies Of Major Platforms' available at https://unesdoc.unesco.org/ark:/48223/pf000377720_eng (accessed 30th July 2025).

Based on the responses, the following platforms were found to be used to spread hate speech.

i. Social media

In The Gambia, social media is one of the platforms that is used for spreading hate speech. As seen in Figure 13 below, 125 respondents (35.7%) indicated that they have witnessed hate speech on social media. In comparison, the 2024 study registered a higher percentage of hate speech experienced on social media, with 43% of respondents indicating that they witnessed hate speech on social media. Nonetheless, the finding confirms that the prevalence of hate speech on social media remains high. All five civil society respondents to the online questionnaire also pointed out that social media is a main driver of hate speech. Three of the five civil society respondents to the online questionnaire also indicated that mainstream media, including radio (especially community radios), television and print media, are platforms for hate speech.

As recognised by the 2024 Study, there is a fine line between the protection of freedom of expression and combating hate speech, and regulations need to be considered to protect expression. The increase in social media usage has made hate speech regulation more cumbersome due to the growing number of online hate speech incidents. As noted by ARTICLE 19:

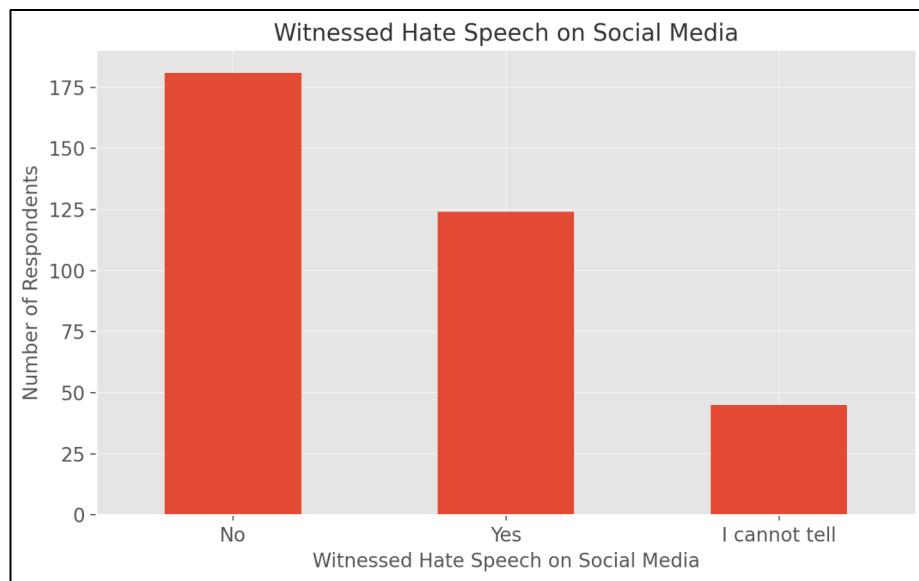
‘The proliferation of online ‘hate speech’ has been identified as a serious problem, and policy responses to it have posed certain challenges in terms of the protection of freedom of expression. There seems to be a reluctance to formulate specific and positive policies and approaches to promote pluralism through new media regulation.’³¹

ARTICLE 19 has maintained that effective and independent self-regulatory mechanisms, with a comprehensive approach to developing and upholding media ethics, are a preferable model to press regulation, including social media.³²

³¹ Article 19 ‘Responding to “hate speech” with positive measures: A case study from six EU countries’ 2018 P. 23.

³² As above.

Figure 13. Hate Speech on Social Media

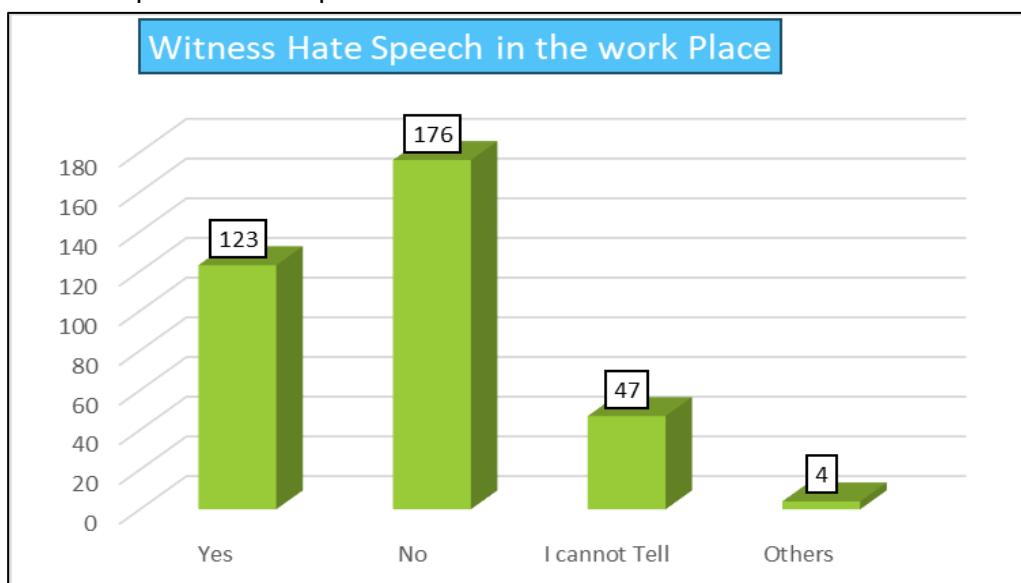


ii. Workplace

In the 2024 Study, experience of hate speech on social media was higher, followed by the workplace. This Follow-up Study confirms similar findings, as social media and the workplace are the two most prevalent places where people experience hate speech.

As seen in Figure 14, 35% of the respondents (123) indicated that they witnessed hate speech at the workplace, representing an 11% increase from the 2024 findings. This chilling prevalence is a cause for concern as workplaces are supposed to have internal mechanisms to prevent issues such as the use of abusive language and hate speech. Consequently, workplaces need to strengthen control over hate speech.

Figure 14. Hate speech in workplaces



iii. Other platforms/places

Apart from social media and the workplace being the two main platforms for hate speech, political rallies, home and family members, schools, *bantaba*³³, and neighbours have all featured as sources or places where hate speech has been spread. This confirms earlier findings, which also identified the above as potential platforms for hate speech, thus requiring multi-faceted approaches to combat hate speech.

o. Impact of hate speech

Respondents expressed differing opinions on how hate speech affects their lives. Most of the respondents indicated that hate speech leads to societal rejection, disgrace, anger, constant fear, and resentment. A non-Muslim respondent said, “Hate speech has *created mistrust between me and Muslims.*”

Below are some of the responses of respondents regarding the impact of hate speech on their lives:

‘It has made me defensive when it comes to my tribe because I’m always reminded that I am a minority.’

‘Sometimes I feel like I am not part of the community, even though my husband and kids are Gambians.’ A non-Gambian respondent.

A respondent from the media sector stated that ‘Hate speech targeted at individuals or groups can place the lives of discriminated individuals and groups of persons at risk, such as journalists, human rights defenders and activists, entrenches tribal tensions and diverts public attention from policy and agenda-driven discourse to hate-filled rhetoric.’ The examples shared by some of the respondents demonstrate the psychological and emotional impacts of hate speech on victims, and the potential of hate speech to drive a wedge between people of different religions and faiths.

p. Awareness of hate speech

Since the spread of hateful rhetoric can be an early warning of violence, including atrocity crimes,³⁴ awareness is crucial in the fight against hate speech as it empowers individuals and communities to recognise, resist, and counter harmful rhetoric. Raising awareness helps people understand the impact of hate speech, identify its different forms, and develop strategies to address it, ultimately fostering a more inclusive and tolerant society. Having a good understanding will ensure that the existence of hate speech is recognised, its impact is understood, escalation is prevented, and resilience is built.³⁵ By promoting awareness,

³³ This is a Mandinka term for a place or square in the village where people meet to discuss community affairs

³⁴ <https://www.un.org/en/hate-speech/impact-and-prevention/why-tackle-hate-speech> (accessed 6th August 2025).

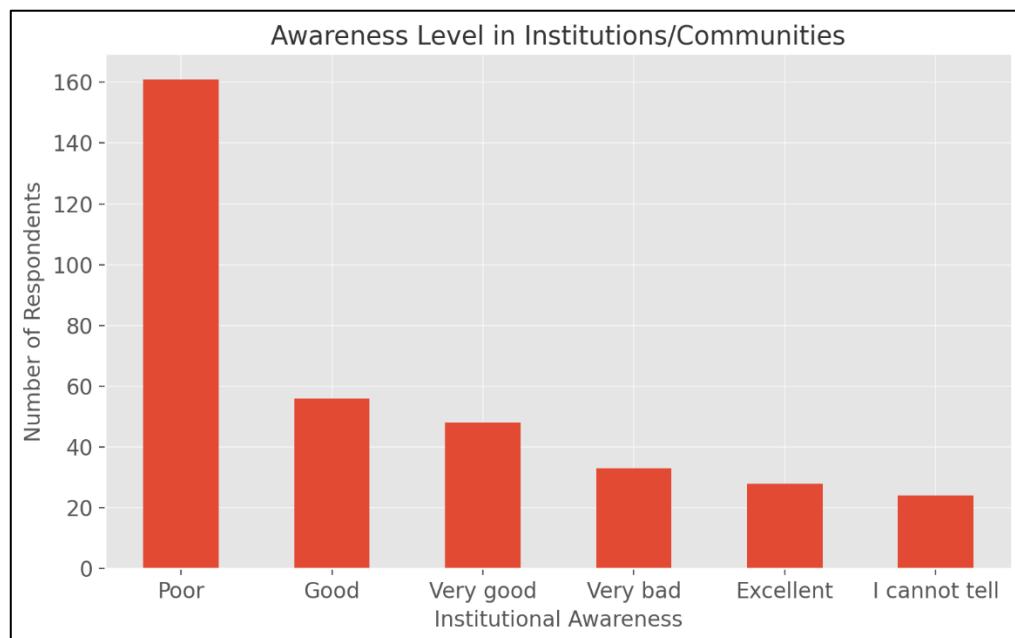
³⁵ As above.

societies can create a more just and equitable environment where hate speech is challenged, and all individuals are treated with dignity and respect.³⁶

Given the importance of awareness creation in fighting hate speech, this Follow-up Study asked respondents about their level of awareness of the subject. As illustrated below, the question was asked in respect of institutions as well as the public.

Responses to the question '*How would you rate the level of awareness in your institution or community with reference to the issue of hate speech?*', as seen in Figure 15, indicate that the institutional/community awareness level of hate speech is poor, with 160 (45%) of the respondents confirming this. Thirty-six respondents (10%) indicated that institutional/community awareness is very poor, while 58 respondents (16%) indicated that it is good, and only 48 respondents (13%) indicated that it is very good.

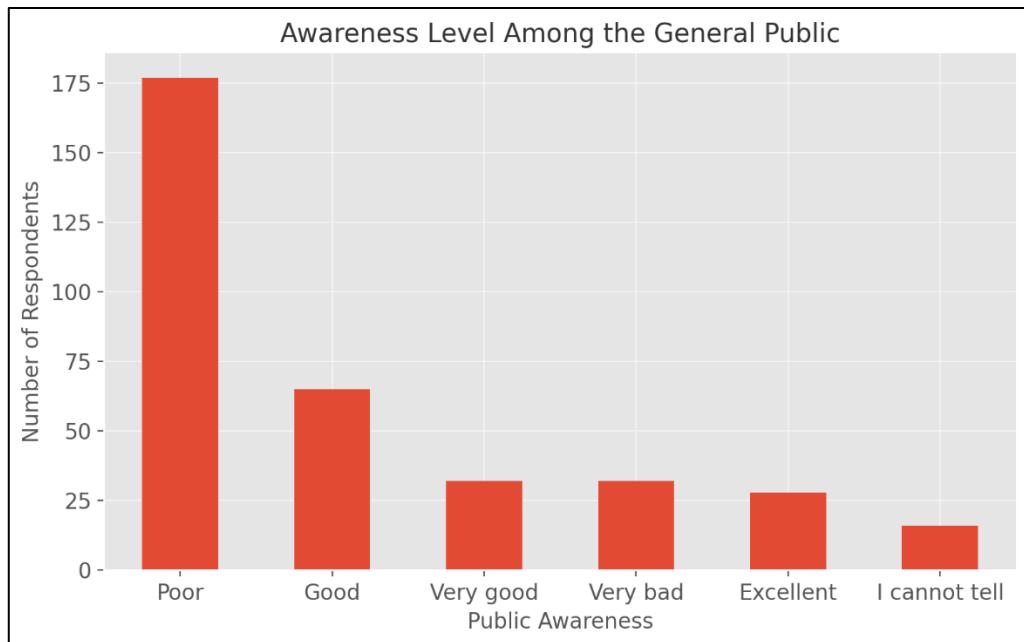
Figure 15. Awareness levels in Institutions/communities



Awareness levels are even believed to be lower amongst the public. Figure 16 shows the perception of awareness levels in the public. 50% of the respondents indicated that awareness levels are poor, 8% believed that awareness levels are very bad, while 17% of the respondents maintained that awareness levels are good, and another 8% maintained that awareness levels are very good. It is, however, clear that the majority of the respondents are of the view that awareness levels are poor. This calls for concerted efforts from the state, civil society and other stakeholders to engage in nationwide hate speech awareness-raising campaigns.

³⁶ As above.

Figure 16. Awareness levels amongst the general public

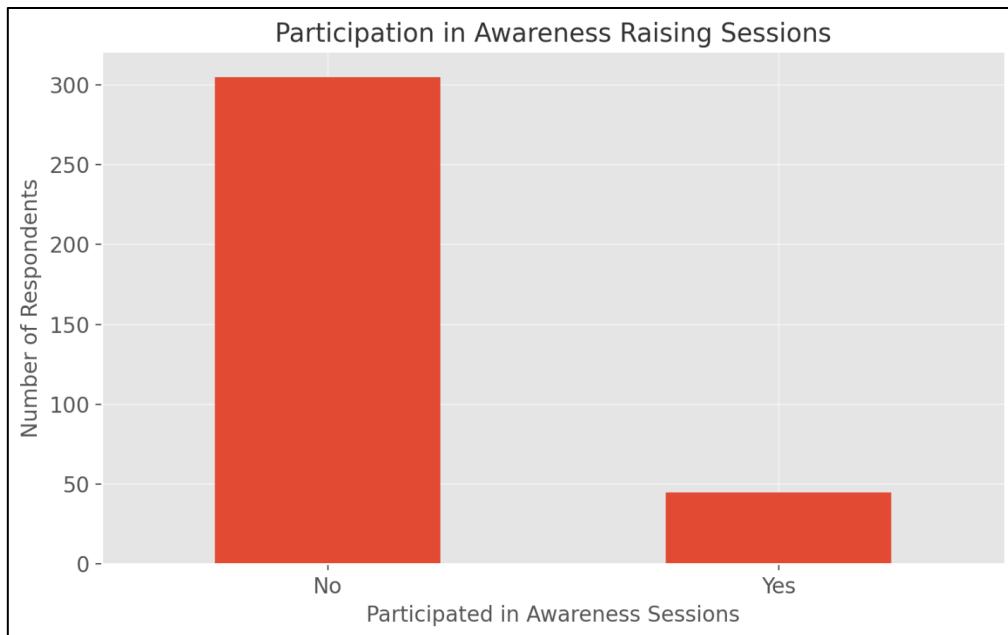


q. On Addressing Hate Speech

Participation in hate speech awareness raising

Data on the level of awareness of hate speech in The Gambia is supported by the findings from the question of whether respondents participated in hate speech awareness-raising campaigns. As illustrated by Figure 17, more than 300 respondents, 85% indicated that they have not participated in hate speech awareness-raising sessions, with only 49 respondents, 14% indicating that they have participated in awareness-raising campaigns. Following the 2024 study, the NHRC embarked on a nationwide sensitisation targeting selected individuals in each administrative region, as well as targeted training of institutions. However, the sessions were only able to reach a small percentage of the population, hence the need for wider coverage and engagement with the public.

Figure 17. Participation in awareness raising



Civil Society Organisations such as TANGO, GPU, Gambia Participates, National Youth Council, and Child Protection Alliance have also conducted trainings, advocacy or other engagements on hate speech. In response to the question '*What programmes and activities does your organisation have to combat hate speech in The Gambia?*', respondents from CSOs provided several examples.

The respondent from TANGO commented that they engage in advocacy against hate speech as well as sensitisation programmes. The GPU, on its part, implemented the following:

- Training of journalists, CSOs, and Students in 2021, on identifying and tackling hate speech before, during and after the presidential election (This was implemented with Beakanyang);
- Conducted Research on hate speech in the Gambian Media in 2021 (implemented with UTG)

Currently, GPU is reviewing its Code of Conduct - The Cherno Jallow Charter of Ethics for Journalists - to include ethical issues related to Hate Speech (being implemented with International IDEA and UNESCO).

The CPA also indicated that it has a programme that includes advocating for an enabling environment for CSOs and citizens, with a component aimed at combating hate speech. The National Youth Council stated that it organise intergenerational dialogue to combat hate speech and enhance social cohesion, radio programmes on the effect of hate speech, and train youth leaders and authorities on peace building and combating hate speech and violence.

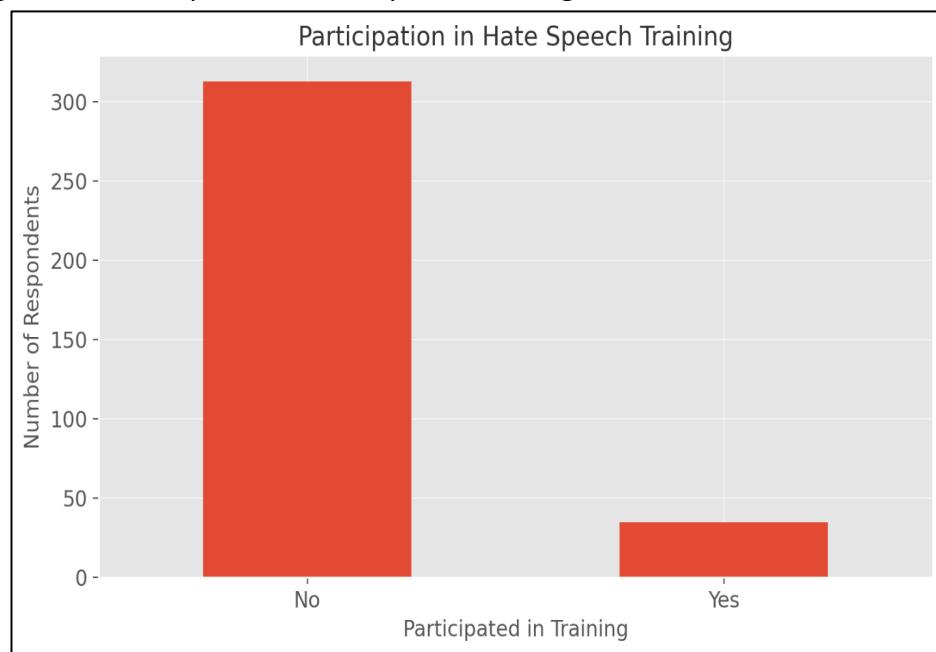
Responses from the Media Houses offered ways of dealing with hate speech. These include:

- a. Defining hate speech explicitly in editorial policy using local and international legal frameworks;
- b. Prohibiting the publication or broadcast of speech that incites violence, discrimination, or hostility against any group based on ethnicity, religion, gender, or other identity markers;
- c. Using moderation tools and staff to filter user-generated content (comments, social media interactions);
- d. Applying pre-publishing review protocols for sensitive reports, particularly political or identity-related stories;
- e. Mandatory fact-checking and contextual analysis for all reports that involve potentially inflammatory statements;

Participation in hate speech training

The findings reveal that a smaller number of people participated in hate speech training. As seen in Figure 18, only 40 respondents confirmed that they have benefited from hate speech training. This accounts for only 11% of the respondents, while about 89% indicated that they have not benefited from any activity.

Figure 18. Participation in hate speech training

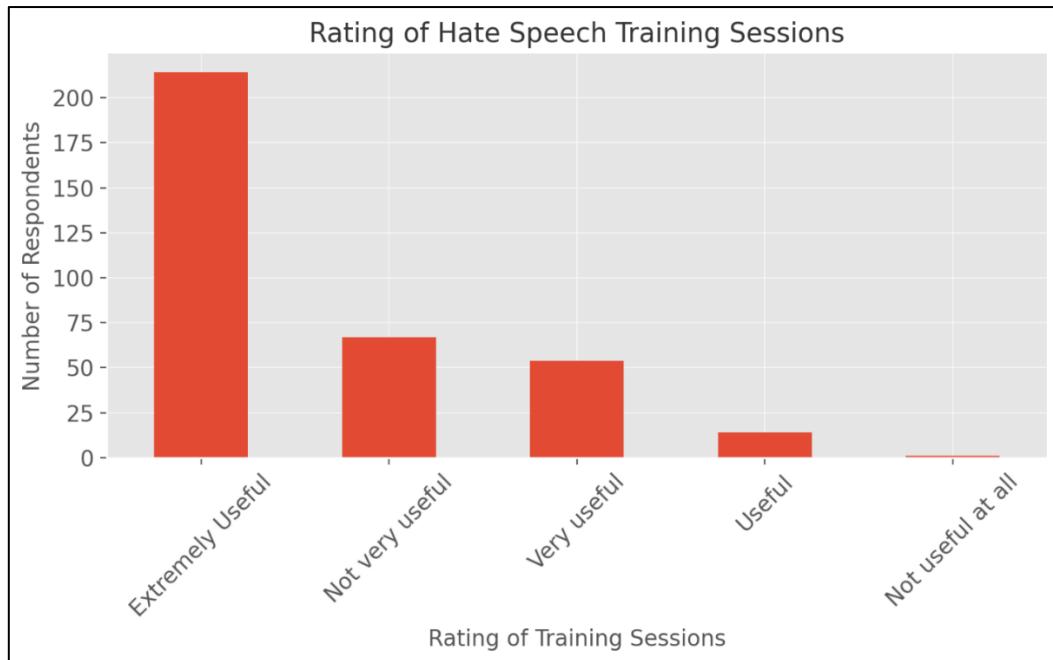


Usefulness of Training Sessions

While very few people participated in or benefited from hate speech training, a significant majority of the respondents acknowledged the usefulness of undergoing hate speech training. As illustrated in Figure 19 below, 215 respondents (61%) said that the training courses are

extremely useful, while less than 1% of the respondents opined that it is not useful at all. This finding makes a case for the preparation of training materials and rolling out training for both public and private sectors, as well as communities.

Figure 19. Rating of training courses



Institutional Mechanisms to Combat Hate Speech

In terms of institutional measures or frameworks against hate speech, 86 of respondents (24%) indicated that their institutions have some policy or other measures against hate speech, while the majority of respondents indicated that they either do not have or they do not know of its existence. It should also be noted that more than 86 of these respondents are either civil servants, CSO or INGO members.

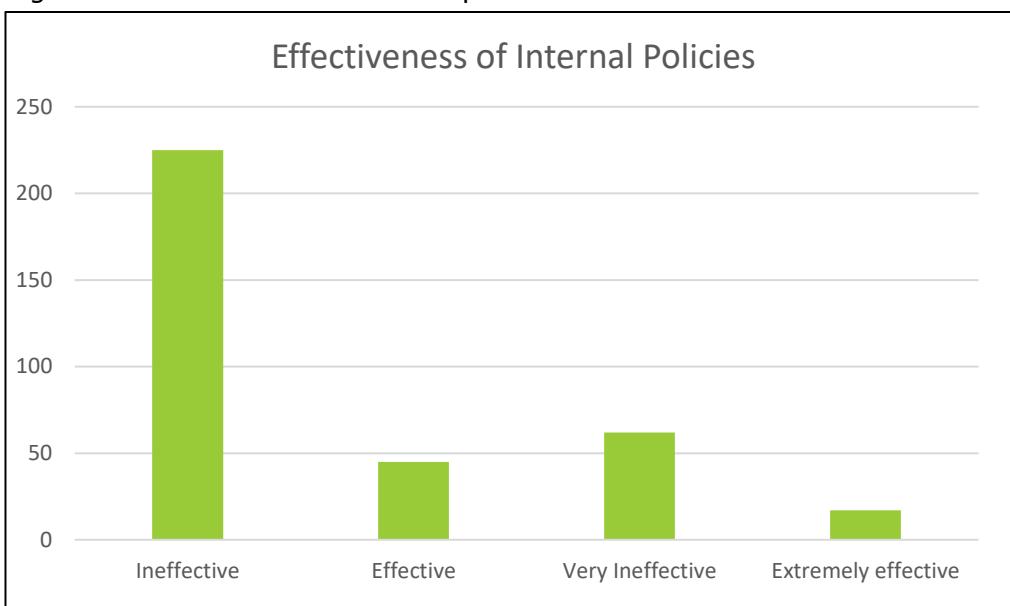
r. Effectiveness of the law and institutions tasked with combating hate speech

The 2024 study found that 43% of respondents opined that the current legal framework is 'somewhat effective' against hate speech, while another 43% opined that it was 'not very effective'.³⁷ Fourteen per cent of respondents opined that it was 'not effective at all'. This pointed towards general 'dissatisfaction' with the legal framework at the time. It is worth noting that at the time of the 2024 study, the Criminal Code was the main piece of penal legislation in The Gambia. Since then, the legislation has been repealed and replaced with the Criminal Offences Act, 2025, which contains provisions to address hate speech.

³⁷ NHRC 2024 Study P. 40.

In response to the question “*Is there any rule or policy against hate speech in your organisation or institution?*” in the Follow-Up Study, 74% percent of the respondents to the main questionnaire indicated either that there is no rule or policy against hate speech in place, or they do not know of its existence. Only 25%, consisting mainly of civil servants and other literate respondents, acknowledged the existence of policies or rules against hate speech in their institutions. In terms of the effectiveness of the policies, 64% of the respondents maintained that the frameworks are ineffective, 17% indicated that they are very ineffective, while a low 12% responded that the rules are effective, highlighting shortfalls in the internal measures.

Figure 20. Effectiveness of internal policies

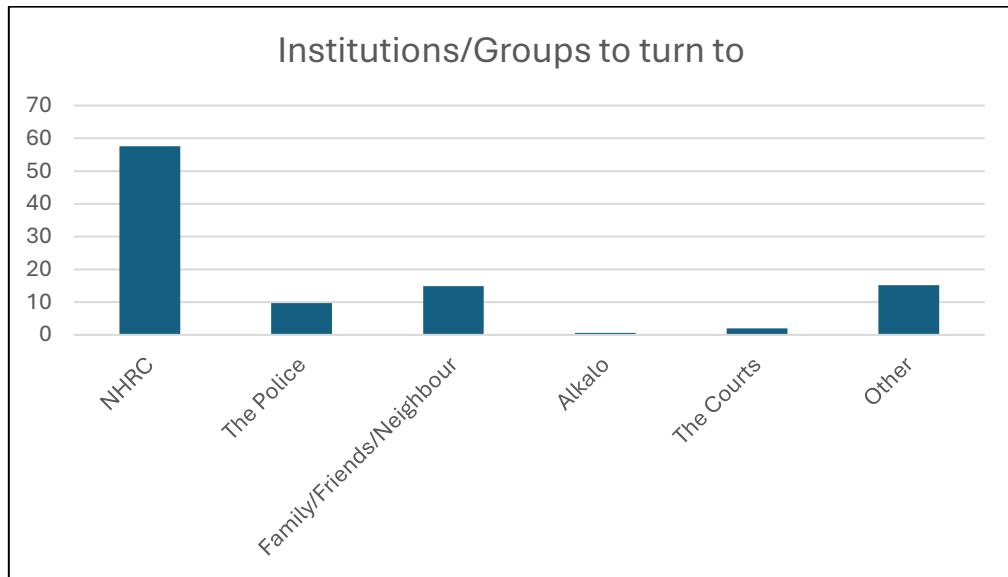


S. Institutions to approach for hate speech redress.

In response to the question ‘*If you were a victim of hate speech, which of the following institutions or groups would you turn to?*’, the majority of the respondents (57%) indicated that they would go to the National Human Rights Commission to seek redress. Given that the NHRC does not have prosecutorial powers over crimes, the NHRC needs to maintain referral mechanisms to ease access to justice for victims.

As illustrated by Figure 21 below, about 15% of respondents said they will turn to family members, friends or neighbours to talk about the experience, while 15% prefer reporting to the Police. Although the NHRC has been identified as a preferred institution to approach for assistance, the data also highlights the important roles of social groups such as family members, neighbours and friends. This makes a case for thorough awareness-raising campaigns among the public to ensure that these groups are equipped with the capacity to deal with hate speech and assist victims in accessing formal mechanisms.

Figure 21. Institutions/Groups to approach hate speech redress.



t. Knowledge of the existence of the law

While it is important to enact laws to combat hate speech, the effectiveness of the law may be minimal if rights holders and duty bearers do not know about the existence of the law and the availability of remedies for violation of the law. In response to the question '*which law do you know regulates hate speech in The Gambia?*', only a few respondents knew about any of the laws that regulate hate speech in the country. While it is admitted that there is no law that specifically and adequately regulates hate speech, some provisions cited in the literature review relating to the domestic laws can be used against hate speech. Out of 350 respondents to the main questionnaire, only three respondents cited the 1997 Constitution, and another cited the Cybercrimes Bill, 2023 (which is still at the Consideration Stage before the National Assembly), as laws partially regulating hate speech.

One respondent stated that '*I have no knowledge on that, but the country should have laws that address that*'. This response resonates with a recommendation of the 2024 report to legislate against hate speech in The Gambia.

u. On the need for domestic legislation on hate speech

Reacting to the question '*[w]ould you like to see a stiffer law or sanction against hate speech in The Gambia?*' all but 13 respondents indicated that they would like to see a stiffer law or sanction against hate speech. This means that 96% of the respondents believe that more rigorous regulation against hate speech is needed in The Gambia. This supports calls for more legislative measures to strengthen institutional capacities to fight hate speech, as well as establishing comprehensive legislation to prevent and punish hate speech in The Gambia.³⁸

³⁸ See P. 55 of the 2024 study.

PART 3: CONCLUSION AND RECOMMENDATIONS

3.1. Conclusion

This Follow-up Study confirms many of the findings of the 2024 Study: that the perception of the prevalence of hate speech remains very high as tribal rhetoric, politically motivated hate, xenophobia, intolerance, and other forms of derogatory expressions continue to occupy and polarise the expression space of The Gambia. Given the threats that hate speech poses to peaceful co-existence, peace and stability, The Gambia needs to take the trends of hate speech as an early warning and act to bring it under control.

The cumulative observations of hateful experience and its lasting impact on victims point towards unfortunate outcomes if it is not addressed in time and effectively. Some of the respondents expressed anger and vengeful thoughts, while others lamented the psychological toll hate speech took on them.

With the 2026 -2028 electoral cycle on the horizon, an already politically polarised Gambia needs concrete actions to counter hate speech. The Follow-up Study found not only gaps in the legal and policy framework, but also a palpable lack of awareness of hate speech. The few who have benefited from either awareness-raising campaigns or training on hate speech have hailed the usefulness of these interventions. This, therefore, justifies a call for more training and more outreach activities with the public to raise awareness on hate speech.

While satisfaction with laws, policies, and avenues to fight hate speech remains low, there seems to be good confidence in the National Human Rights Commission (NHRC) as a body that can be approached to provide remedial actions against hate speech-related cases. However, NHRC must strengthen its strategic partnership with other justice sector actors to ensure access to justice for victims and continue to advocate for the eradication of hate speech in the country. Additionally, it is important for actors like the NHRC to have the necessary skills to enable them to address hate speech in their work.

Laws and policies adopted should not encroach on the rights and freedoms enjoyed by people in the country and should be proportionate to the phenomenon of hate speech being addressed without impeding on fundamental rights and freedoms.

Finally, this follow-up Study has revealed that lapses remain in the legal and policy regimes of The Gambia to effectively tackle hate speech. It, therefore, reechoes the need for constitutional, legislative, institutional and policy measures to minimise the impact and frequency of hate speech in The Gambia.

3.2 Recommendations

As The Gambia continues its democratic path, it is necessary to address and counter hate speech in the country. This, however, requires a holistic approach, mobilising society as a whole. All individuals and organisations – including the Government, the private sector, media, Internet service providers, faith leaders, educators, youth and civil society – have a moral duty to firmly speak against hate speech and a crucial role to play in countering this scourge.

The 2024 NHRC Study emphasised ‘the importance of collaboration through a multifaceted approach to combat hate speech.’³⁹ The findings of the Follow-up Study have further strengthened the need for action as hate speech continues to be a societal menace. In addition to the recommendations of the 2024 Study and based on the findings of this Follow-up Study, the following recommendations targeting different entities are put forward.

A. The National Human Rights Commission

1. Urgently follow up on the implementation of all the recommendations of the 2024 Study (see **Annexe A**) and record the status of implementation of those recommendations.
2. Establish a referral mechanism with the Gambia Police Force and the Attorney General's Chambers to ease referral for prosecution of cases of hate speech.
3. Develop manuals to inform, educate and equip people with knowledge and understanding of hate speech.
4. Continue to track and monitor state compliance with international human rights obligations in relation to hate speech and recommendations made through UN mechanisms.

B. Other Government Entities

5. The Ministry of Information, Media and Broadcasting to introduce mandatory hate speech control initiatives in broadcast and digital media.
6. The Ministries of Basic and Secondary Education and Higher Education, Research, Science, and Technology to incorporate hate speech education into their teaching and curricula.
7. The Ministry of Justice to develop and introduce a Bill which balances the obligations of the State with the need to address hate speech for enactment by the President and the National Assembly.

³⁹ NHRC 2024 Study P. 55.

8. The Ministry of Local Government, Lands and Religious Affairs, in collaboration with development partners and other stakeholders, to train religious and traditional leaders on hate speech.
9. All Government Ministries, Departments and Agencies to introduce anti-hate speech policies and ensure compliance by all staff and employees.
10. The National Quality Assurance Agency to ensure all media training institutes include hate speech training in their syllabus.
11. The Gambia Police Force to roll out training for all its personnel on combating, identifying, investigating and prosecuting hate speech in The Gambia.

C. Electoral Actors

12. With the upcoming electoral cycle, the IEC to vigorously ensure political actors abide by its code of conduct.
13. The Inter-Party Committee to ensure all its members abide by the adopted codes to prevent the spread of hate speech on their platforms.

D. Civil Society Organisations

14. Engage in monitoring, documenting, and reporting incidents of hate speech.
15. Advocate for legislation against hate speech that is precise, proportional, and compliant with the principles of legality, necessity, and non-discrimination.
16. Facilitate community dialogue, support victims, and implement counter-hate speech initiatives aimed at preventing incitement to hostility, discrimination, or violence, thereby contributing to social cohesion, democratic participation, and the rule of law in a transitional context.
17. Raise awareness on the Criminal Offences Act, 2025, especially in relation to hate speech.

C. Political Parties

18. Streamline anti-hate speech in their Code of Conduct and promote awareness of party members on the document.
19. Monitor and stop people from using their platforms to perpetuate or spread hate speech.

D. Media Houses

20. Define hate speech explicitly in their editorial policy using local and international legal frameworks.
21. Prohibit the publication or broadcast of speech that incites violence, discrimination, or hostility against any group based on ethnicity, religion, gender, or other identity markers.
22. Use moderation tools and staff to filter user-generated content (comments, social media interactions) to minimise publishing hate speech.
23. Apply pre-publishing review protocols for sensitive reports, particularly political or identity-related stories.
24. Conduct mandatory fact-checking and contextual analysis for all reports that involve potentially inflammatory statements.

PART 4: ANNEXES

Annex A. 2024 Summary Findings and Recommendations

a. Summary of Findings from the 2024 Study

In 2024, the NHRC commissioned a study on the prevalence of hate speech in The Gambia. The study used a combination of methods to gather data and information on the prevalence of hate speech in the country. In total, the researchers interviewed 202 individuals through surveys and Key Informant Interviews. The researchers also embarked on desk reviews to scan the legal and policy environment as well as gather secondary data on the subject.

The study made interesting findings. Using the PESTLE Tool, and snowball sampling method, the study found that there is generally low understanding of hate speech by the public, a weak legal framework and enforcement of regulations on hate speech.⁴⁰ The political trajectory of The Gambia was found to have created a breeding ground for hate speech in the country, with political rallies and social media particularly being used as platforms to spew hate.⁴¹ Socio-economic phenomena such as the COVID-19 pandemic, unemployment, ethnic and religious polarisation, poverty and corruption were all highlighted as factors that may breed ‘resentment and scapegoating’.⁴²

Environmental factors and climate change were also identified as culpable phenomena that have caused hardships and violent protests.⁴³ ‘Xenophobic undertones directed towards Chinese nationals who own fishmeal factories and Senegalese fishermen’ were also found.⁴⁴ Of all respondents, the study found that 56% opined that they have a high understanding of hate speech.⁴⁵

⁴⁰ NHRC ‘Research on Hate Speech in The Gambia’ 2024 P. 15.

⁴¹ As above P 19.

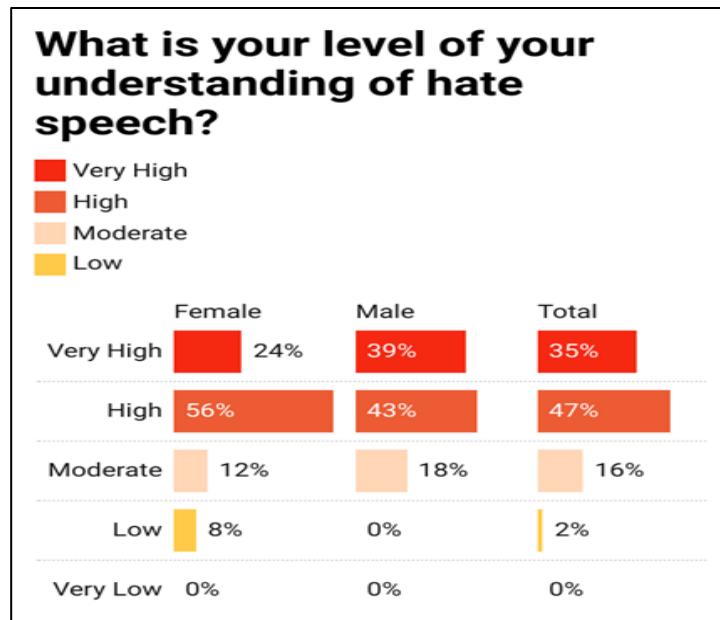
⁴² As above P 23.

⁴³ As above P 5.

⁴⁴ As above.

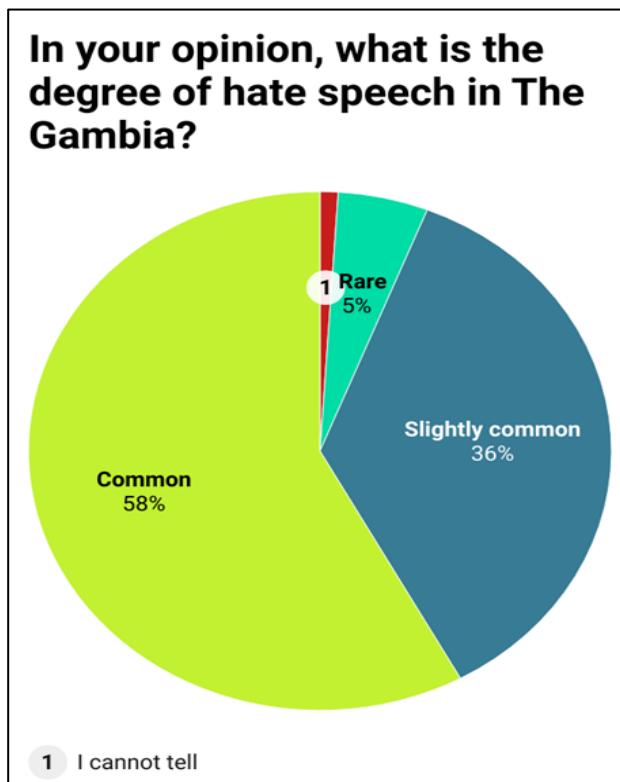
⁴⁵ As above P 15.

Figure 22. Understanding of Hate Speech



In terms of the perception of the prevalence of hate speech in The Gambia, the study found that 58% of respondents considered hate speech to be common, signalling high prevalence. 38% of respondents were of the view that hate speech is slightly common, while only 5% perceived hate speech to be rare. 1% of respondents could not tell.⁴⁶

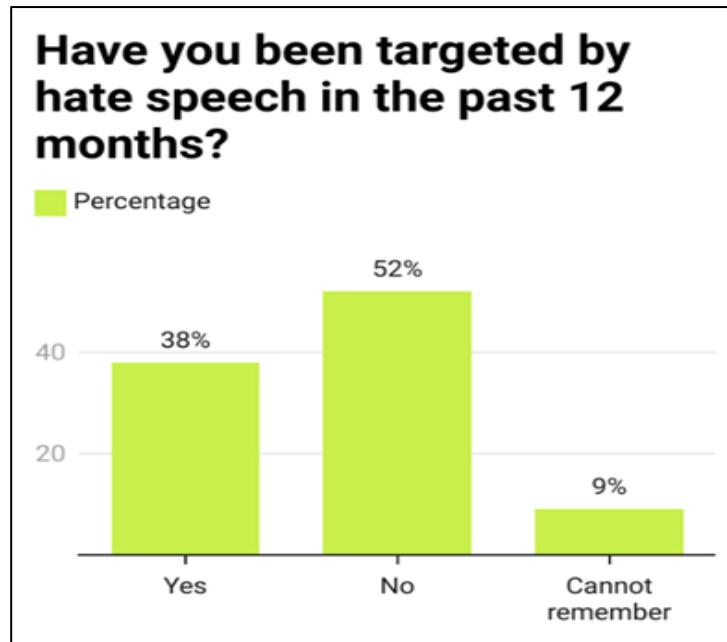
Figure 23. Prevalence of Hate Speech



⁴⁶ As above P 16.

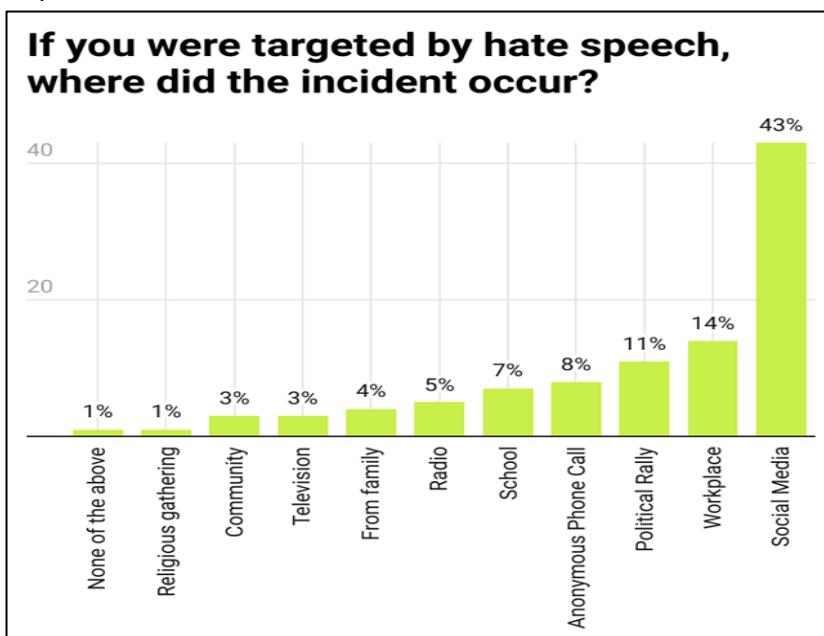
On whether they have been a target of hate speech, 38% of respondents opined that they had been targets in the preceding 12 months, 52% believed that they were not, while 9% could not tell.⁴⁷

Figure 24. Experience with Hate Speech



Social media was cited as the highest platform of hate speech, with 43% of respondents, followed by workplace 14% and political rallies 11% respectively. ⁴⁸

Figure 25. Hate Speech Platforms

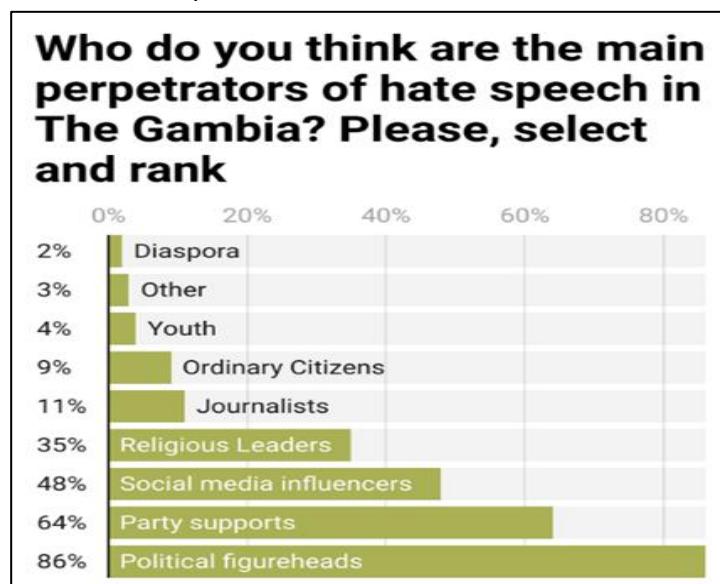


⁴⁷ As above P 17.

⁴⁸ As above P.19.

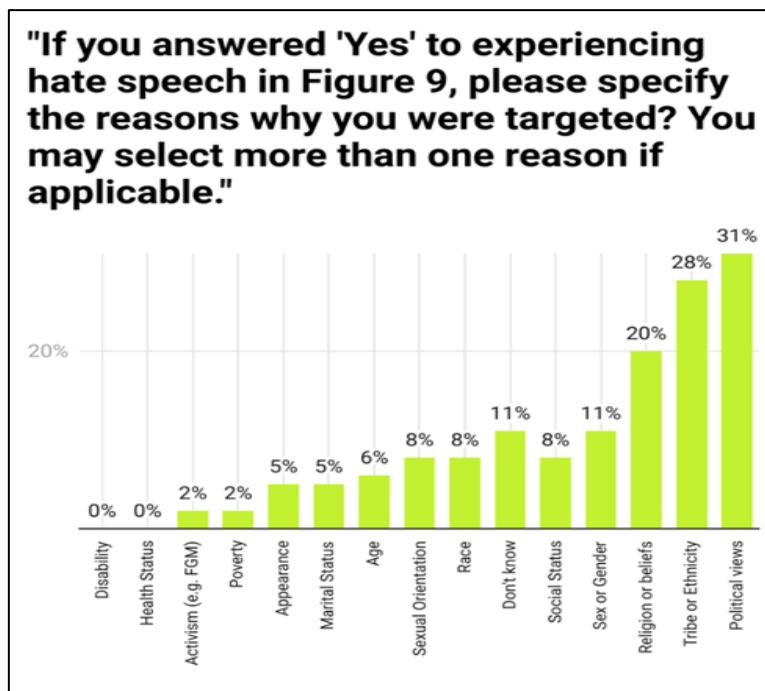
Political leaders were identified to be the main perpetrators of hate speech at 86% followed by party supporters at 64%.⁴⁹

Figure 26. Perpetrators of Hate Speech



Political views were cited as the main reason for victims of hate speech to be targeted at 31% followed by tribe or ethnicity at 28%. Religious orientation also scored a high prevalence of 20%.⁵⁰

Figure 27. Reasons for being targeted

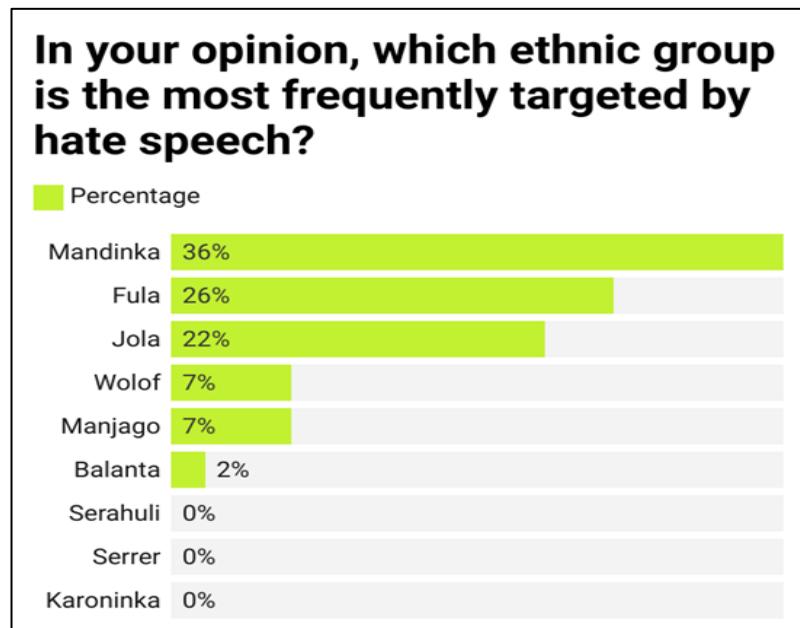


⁴⁹ As above P. 20.

⁵⁰ As above P. 21.

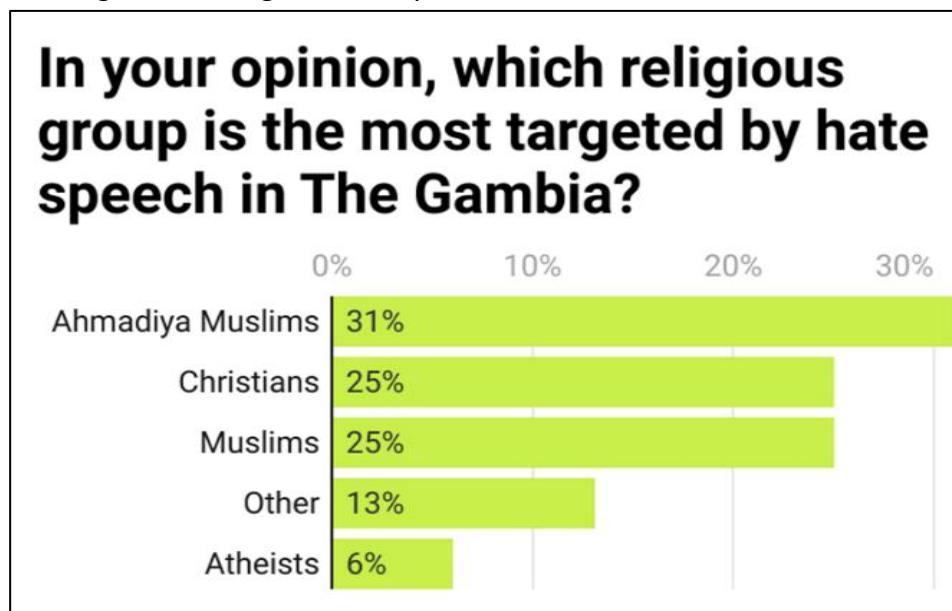
In terms of ethnicity, Mandinka (36%) emerged as the most targeted, followed by Fula (26%) and Jola (22%).⁵¹

Figure 28. Perception of ethnic groups most targeted



On religion, Ahmadiyya Muslims (31%) were the highest, Christians (25%) and other Muslims (25%).⁵²

Figure 29. Religious hate speech

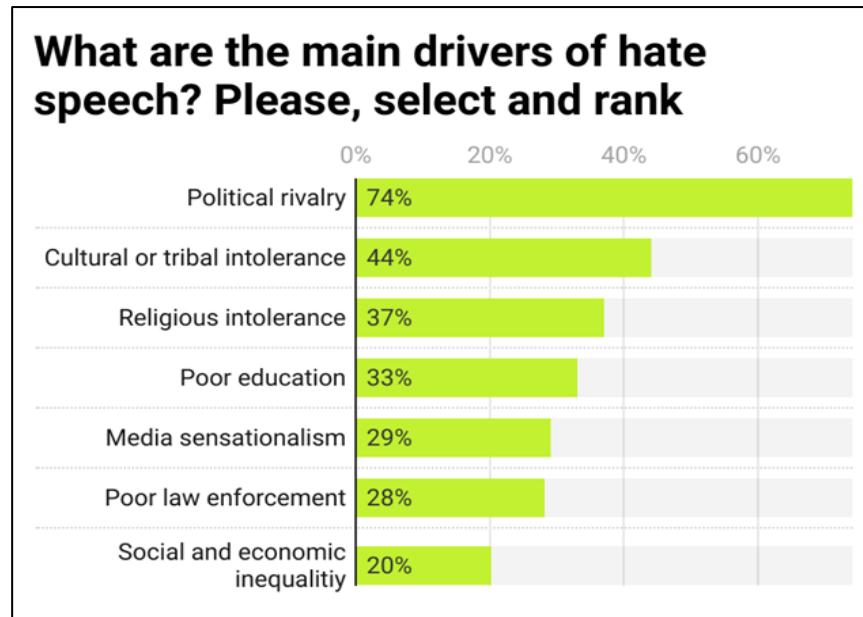


⁵¹ As Above P. 22.

⁵² As Above P. 24.

Political rivalry emerged as the most dominant cause of hate speech, ranked as such by 74% of the 86 respondents on the self-administered online survey.⁵³ Ethnic intolerance was placed second at 44%, followed closely by religious intolerance (37%).⁵⁴

Figure 30. Main Drivers of hate speech



The 2024 Study acknowledged the difficulty in reaching an acceptable definition of hate speech and, as such, drew inspiration from widely accepted definitions.⁵⁵ It referenced the United Nations definition of hate speech, thus:

Any kind of communication in speech, writing, or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group based on who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.⁵⁶

Further, the 2024 study referred to the Committee of Ministers of the Council of Europe definition, which broadly defines hate speech as

Hate speech shall be understood as covering all forms of expression that spread, incite, promote, or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination, and hostility against minorities, migrants and people of immigrant origin.⁵⁷

⁵³ As Above P. 26.

⁵⁴ As Above.

⁵⁵ As Above P. 10.

⁵⁶ UN, 2019. UN Strategy and Plan of Action on Hate Speech. Available at: <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf> (accessed 2nd June 2025).

⁵⁷ NHRC 2024 Study P. 10.

While some of the key terms in the above definitions may not be prevalent in speech in The Gambia, intolerance (ethnic, religious, nationality, social, and sexual orientation) has all been observed in The Gambia. Many forms of expression have also shown discriminatory prejudices against members of these groups. Similarly, politicians and their followers can have a significant impact on the dynamics of hate speech. In The Gambia, politicians have been seen/heard expressing hatred for political gains. For example, the 2024 Study cited a government Minister referring to his political opponents as rats and that if people vote for these politicians, they will suffer.⁵⁸

Furthermore, when politicians use divisive language, it creates an environment where hatred and bigotry thrive. In a 2016 study conducted by the United States Agency for International Aid, it was found that hate speech from political figureheads has negative impact on society especially the youthful population.⁵⁹ The 2024 study concluded by calling for action to counter hate speech.

The study recommended that promoting a more inclusive dialogue is therefore essential to addressing hate speech. Educational initiatives and community engagement can help to mitigate the impact of hate speech. While the recommendations that were advanced by the 2024 study were very apt and cogent, their status of implementation remains low. However, this could be for various factors, amongst which is the lack of awareness by the relevant actors on the existence of the report, unwillingness by actors and also the fact that the study was recently published.

b. Recommendations from the 2024 Study

The recommendations are arranged thematically, addressing legislative reforms, law enforcement, capacity development and data collection. To ensure tailored solutions and accountability in implementing the recommendations, specific institutions are designated as lead responsible parties. However, it is important to note that all stakeholders-whether named or not - have crucial roles in this effort. Concerted efforts, collective action and collaboration across various sectors will enhance the effectiveness of efforts to combat hate speech.

LEGISLATIVE AND POLICY FRAMEWORK

Ministry of Justice

1. In collaboration with the NHRC, lead efforts to establish guidelines on the prosecution of incitement and hate speech cases and all proscribed speech-related offences in general. The process of developing the guidelines should involve relevant

⁵⁸ NHRC Hate Speech Study 2024 P. 23.

⁵⁹ USAID ‘The Influence of Hate Speech as a Political Tool on the Youth of Kosovo’ 2016 P. 11.

stakeholders, including the judiciary, media, law enforcement, civil society, and international organisations.

2. Introduce a range of civil law measures and remedies that provide a more victim-centred approach to address hate speech and prohibited speech-related cases.
3. In collaboration with the Ministry of Information and the NHRC, take immediate measures to fully decriminalize defamation, repeal seditious and other proscribed speech offences that are found to be inconsistent with freedom of expression standards and are being inappropriately applied as highlighted in judicial decisions, several media law reforms initiatives, and research undertakings, including this one.

Ministry of Information

4. Lead urgent efforts to establish legislative frameworks ensuring that the regulatory mechanisms for broadcast and online content are independent of the Government, publicly accountable, and operate transparently. Any efforts in this direction should address the need for a policy on media ownership.
5. Strengthen the implementation of the Access to Information Act 2021 by establishing robust enforcement mechanisms.

National Human Rights Commission

6. Engage the National Assembly and respective Ministries to ensure that the provisions on hate speech in the Criminal Offences Bill 2022 and Cyber Crime Bill 2023 comply with international standards and best practices.

Media Regulatory Bodies

7. Public Utilities Regulatory Authority and the Media Council of The Gambia to develop clear policy guidelines on hate speech.

Independent Electoral Commission

8. In collaboration with the Inter-Party Committee, make urgent efforts to review its various Codes to address inadequacies in the current legislative and regulatory frameworks regarding hate speech.

LAW ENFORCEMENT

Gambia Police Force

9. Demonstrate independence and good faith in the enforcement of the law regarding speech-related offences, including hate speech.
10. Establish measures to ensure accountable and transparent handling of hate speech cases, including regular public reporting on investigations and outcomes.

Ministry of Interior

11. In collaboration with the GPF, establish accessible reporting mechanisms for the public to report hate speech and hate crime incidents.

CAPACITY DEVELOPMENT

Ministries Responsible for Education

12. Mainstream or integrate hate speech prevention in the content of education programmes and pedagogical approaches at every level of formal and non-formal education, from early childhood to higher education. This could be better achieved by introducing broader media literacy programmes – including digital literacy - in the curriculum at various school levels, in line with UNESCO recommendations.

National Human Rights Commission

13. In collaboration with victim groups, provide tailored training and psychological support services for female politicians, women's rights activists, and persons with disability in politics to build their resilience and counter hate speech.
14. Support minority groups identified by this research as most at risk of hate speech with capacity-building initiatives to enhance their abilities in data collection and knowledge on how to utilise the law and human rights mechanisms to seek redress.

UN and Other Development Partners in The Gambia

15. Create and sustain over at least five years a comprehensive, customised training programme to meet the specific needs of each of the following critical actors in the fight against hate speech: law enforcement, judicial officers, media, civil society, political parties, and victim groups.
16. Sustain over several years the UNESCO MIL Clicks initiative, which targets and trains secondary-level students on media and information literacy. This should be expanded to include various school levels and more stakeholders.
17. Support grassroots and community-based organisations, along with local councils to undertake public sensitization programmes, including town halls, around issues of unity and social cohesion while addressing hate speech.

National Youth Council

18. Effectively implement its Manual on Media and Information Literacy for youth.

National Council For Civic Education

19. Integrate hate speech topics more effectively into its regular sensitisation and outreach programmes.

Political Parties and Religious Groups

20. Provide training for members on recognising hate speech, and understanding its implications.

Media

21. Media training institutions undertake immediate and urgent efforts to update their curricula to address hate speech.
22. Enhance training and enforcement of ethical standards of journalism.
23. Strengthen capacity to tackle hate speech online, including effective moderation of social media handles and websites.

DATA COLLECTION AND ANALYSIS

National Human Rights Commission

24. Lead collaborative efforts to develop a framework for data collection and analysis on hate speech, including functional definitions and varying degrees of hate speech.
25. Collaborate with fact-checking organisations and law enforcement to carry out surveys and/or content analysis or other research activities during events likely to induce hate speech, such as elections or crises.
26. Collaborate with the Police, IEC, the courts, media regulatory bodies, and factchecking organisations establish measures to gather and organise data in a statistical format for all complaints related to hate speech.

Media and Fact-Checking Organisations

27. Strengthen media monitoring and countering hate speech and misinformation, including leveraging AI and machine learning tools.
28. Create standardised guidelines for data collection on hate speech and its impact on communities.

Political Parties and Religious Groups

29. Create a structured approach for collecting data on hate speech incidents, including monitoring of official online platforms.
30. Publish regular reports on hate speech.

Annex B: General Questionnaire

Introduction:

Greetings, my name is XX. We are conducting an important survey on behalf of the National Human Rights Commission of The Gambia. This study investigates the incidence, prevalence, nature, drivers and impact of hate speech in The Gambia and what strategies could be developed to counteract hate speech,

Accordingly, you have been identified as someone whose experience and knowledge will be useful in obtaining relevant information in this regard. You are free to answer only those questions you are comfortable with and to ignore the ones you do not want to answer. You do not need to refer to yourselves by your real names, but you can use nicknames if you like. For example, my full name is _____ but I prefer to be called ____.

The discussion will take about 20 minutes, but you can leave anytime you feel like leaving. You are also free to not respond to some of the issues I may raise or questions I may ask. I will understand. Any information you provide will be with me and those in our office who will use it to analyze what is going on generally. Your personal information will not be shared with others. No name will also be published in the survey report. The information you give will help us to prepare a report which will be relevant in combating hate speech in The Gambia.

Would you like to participate?

1.	Yes	Continue
2.	No	Terminate – Do not proceed with the Interview

GENERAL QUESTIONS

1. What is your Gender? (Interviewer to tick as appropriate)

2.	Male	
3.	Female	
4.	Other	
5.	Refused to tell	

2. What is your age?

1.	15-17	
2.	18-29	
3.	30-39	
4.	40-49	
5.	50-64	
6.	65+	

3. Region and Municipalities

1.	Banjul	
2.	Kanifing Municipality	
3.	West Coast Region	
4.	North Bank Region	
5.	Lower River Region	
6.	Central River Region	
7.	Upper River Region	

4. What is your highest educational qualification?

1.	Junior school graduate	
2.	Senior school graduate	
3.	Diploma	
4.	Postgraduate Diploma	
5.	Undergraduate Degree	
6.	Postgraduate Degree	
7.	Doctoral	
8.	No academic qualification	

5. Which type of Institution/Organization do you work for? Please specify below

1.	Civil Service	
2.	Private Sector	
3.	Parastatal	
3.	Civil Society Organization	
4.	Media	
5.	NGO/INGO	
6.	International Organization (including UN Agencies)	
7.	Academia	
8.	Informal sector	

SURVEY QUESTIONS

WHAT IS HATE SPEECH?

6. In your opinion what is hate speech? (Record the responses, including "I don't know" if stated).

7. Name some examples of hate speech

8. Have you been a victim of hate speech (personally targeted), in the last 12 months?

1.	Yes	
2.	No	Skip to Q13
3.	I cannot remember	Skip to Q13

9. If yes, where did you experience this hate speech?

1.	Social media (WhatsApp)	
2.	Internet/Online	
3.	Radio	
4.	Television	
5.	Political rally	
6.	Workplace	
7.	School	
8.	Anonymous phone call	
9.	Home/Family Member	
10.	Other	

10. If yes, what do you think was the reason (perceived) you were a target of hate speech?

Gender of Respondent (Male/Female)		
1.	Political views	
2.	Religion	
3.	Sexual orientation	
4.	Nationality (non-Gambian)	
5.	Sex/gender	
6.	Age	
7.	Disability	
8.	Tribe/Ethnicity	
9.	Race	
10.	Social status	
11.	Appearance	
12.	Marital status	
13.	Other factors	

11. Did the hate speech you experience have any effect or impact on you?

1.	Yes	
2.	No	<u>Skip to Q.13</u>

12. If yes, could you describe the impact of the hate speech on you?

DIFFERENCE BETWEEN HATE SPEECH AND FREEDOM OF SPEECH

**13. Can you explain the difference between hate speech and freedom of expression?
(Record all the responses, including " I don't know" or "I cannot define")**

14. In your opinion, what is the degree of hate speech in The Gambia?

1.	Common	
2.	Slightly common	
3.	Rare	
4.	Non-existent	
5.	I cannot tell	

PERPETRATORS OF HATE SPEECH

15. To what extent do you agree with the statement "Journalists are one of the groups who perpetrate hate speech in The Gambia"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

16. To what extent do you agree with the statement "Politicians are one of the groups who perpetrate hate speech in The Gambia"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

17. To what extent do you agree with the statement "Religious leaders are one of the groups who perpetrate hate speech in The Gambia"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

18. To what extent do you agree with the statement "Young people are one of the groups who perpetrate hate speech in The Gambia"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

19. To what extent do you agree with the statement "The media, including social media, is the main vehicle for the spread of hate speech in The Gambia"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

20. In your opinion, what other (if any) vehicle of hate speech exists in The Gambia?

VICTIMS/TARGETS OF HATE SPEECH

20. In your opinion which groups are often the target of hate speech? (Select a maximum of three). On a Scale of 1-3, 1 being the lowest and 3 being the highest, which group is the most targeted?

G	Groups	Scale		
1.	Public figures	1	2	3
2.	Foreign nationals (Which nationality)			
3.	Political opponents			
4.	Women			
5.	Migrants			
	Ethnic Group (Create List)			
6.	Ethnic Minorities			
7.	Persons with Disabilities			
8.	LGBT			
9.	Religious Minorities			
10.	Young people			
11.	Other (Specify)			

21. To what extent are the following groups exposed to hate speech in The Gambia?

Public figures		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	. I cannot tell	

Foreign nationals/non-Gambians		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	. I cannot tell	

Political opponents		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Women		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Migrants		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Ethnic Minorities		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Persons with Disabilities		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

LGBT		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Religious Minorities/ Members of other religions		
1.	Almost never	
2.	Rarely	
3.	Often	
4.	Almost always	
5.	I cannot tell	

Young People		
6.	Almost never	
7.	Rarely	
8.	Often	
9.	Almost always	
10.	I cannot tell	

22. To what extent do you agree with the statement "Hate speech is given too much importance"?

6.	I strongly agree	
7.	I partly agree	
8.	I neither agree nor disagree	
9.	I partly disagree	
10.	I strongly disagree	

23. To what extent do you agree with the statement "Every person, including civil servants, can and should say what they think without restrictions"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

24. To what extent do you agree with the statement "Hate speech should be sanctioned as severely as possible"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

25. To what extent do you agree with the statement "It is better for people who work in public institutions not to use social media"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

26. To what extent do you agree with the statement "Before I post something on social media, I think twice about the consequences of my post"

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

27. To what extent do you agree with the statement "The issue of hate speech should be an integral part of the school curriculum and NHRC training on human rights"?

1.	I strongly agree	
2.	I partly agree	
3.	I neither agree nor disagree	
4.	I partly disagree	
5.	I strongly disagree	

ABOUT LEGISLATION AND OTHER REGULATORY RULES, AND REDRESS MECHANISMS

28. Do you know which law/s regulate hate speech in The Gambia?

1.	I know	
2.	I don't know	Skip to Q30.

29. Which law do you know regulate hate speech in The Gambia

30. Would you like to see a stiffer law or sanction against hate speech in The Gambia?

1.	Yes	
2.	No	
3.	I don't know	

31. Is there any rule or policy against hate speech in your organization or institution?

1.	Yes.		
2.	No/Don't exist		Skip to Q33
3.	Don't know		Skip to Q33

32. If yes, how effective are they in preventing and sanctioning hate speech?

1.	Very ineffective	
2.	Ineffective	
3.	Effective	
4.	Extremely effective	

34. If you were a victim of hate speech, which of the following institutions or groups would you turn to?

1.	The Police	
2.	The Courts	
3.	NHRC	
4.	NGOs	
5.	Friends/Family/Neighbour	
6.	Media Council of The Gambia	
7.	I don't know	
8.	I would not turn to anyone (Why)	

35. If you noticed hate speech disseminated through the media, including social media, could you report it to any institution(s)?

1.	Yes	
2.	No (Why?)	
3.		
4.		

36. If there was an incident of hate speech disseminated through the media, including social media, which of the following groups would you turn to?

1.	The Police	
2.	The Courts	
3.	NHRC	
4.	NGOs	
5.	Friends/Family/Neighbour	
6.	Media Council of The Gambia	
7.	I don't know	
8.	I would not turn to anyone	
9.	Other (specify)	

37. On a scale of 1 to 4, (1 being- Completely insignificant, 4- being extremely significant), rate the contribution of the following institutions to the prevention and sanctioning of hate speech in The Gambia

The Police	
1.	Completely insignificant
2.	Insignificant
3.	Significant
4.	Extremely significant
5.	Cannot tell

Attorney General's Chambers	
1.	Completely insignificant
2.	Insignificant
3.	Significant
4.	Extremely significant
5.	Cannot tell

The Courts	
1.	Completely insignificant
2.	Insignificant
3.	Significant
4.	Extremely significant
5.	Cannot tell

Educational institutions	
1.	Completely insignificant
2.	Insignificant
3.	Significant
4.	Extremely significant
5.	Cannot tell

NGOs	
1.	Completely insignificant
2.	Insignificant
3.	Significant
4.	Extremely significant
5.	Cannot tell

NHRC		
1.	Completely insignificant	
2.	Insignificant	
3.	Significant	
4.	Extremely significant	
5.	Cannot tell	

PURA		
1.	Completely insignificant	
2.	Insignificant	
3.	Significant	
4.	Extremely significant	
5.	Cannot tell	

Media Council of The Gambia		
1.	Completely insignificant	
2.	Insignificant	
3.	Significant	
4.	Extremely significant	
5.	Cannot tell	

UN Agencies		
1.	Completely insignificant	
2.	Insignificant	
3.	Significant	
4.	Extremely significant	
5.	Cannot tell	

Other (Specify)		
1.	Completely insignificant	
2.	Insignificant	
3.	Significant	
4.	Extremely significant	
5.	Cannot tell	

EXPERIENCE WITH HATE SPEECH IN THE WORKPLACE, MEDIA OR COMMUNITY

38. Have you witnessed hate speech in your institution or the media, including social media?

1.	Yes		
2.	No		Skip to Q.40
3.	I cannot tell		Skip to Q.40

39. If yes, towards whom?

1.	Another employee	
2.	Member of the public	
3.	Particular section or group of the society	
4.	Client/Service user	

40. Do you think that you have ever used hate speech?

1.	Yes	
2.	No	
3.	I cannot tell	

41. Have you ever witnessed your colleague using hate speech on social media?

1.	Yes	
2.	No	
3.	I cannot tell	

42. Have you ever witnessed your colleague using hate speech in the workplace?

1.	Yes	
2.	No	
3.	I cannot tell	

43. Have you ever witnessed the use of hate speech in a meeting you were part of?

1.	Yes	
2.	No	
3.	I cannot tell	

AWARENESS ABOUT HATE SPEECH

44. How would you rate the level of awareness in your institution or community with reference to the issue of hate speech?

1.	Excellent	
2.	Very good	
3.	Good	
4.	Poor	
5.	Very bad	
6.	I cannot tell	

45. How would you rate the level of awareness of the public with reference to the issue of hate speech?

1.	Excellent	
2.	Very good	
3.	Good	
4.	Poor	
5.	Very bad	
6.	I cannot tell	

46. Have you ever participated in awareness raising sessions on hate speech?

1.	Yes	
2.	No	

47. If you participated in awareness raising sessions on hate speech, how would you rate them?

1.	Extremely Useful	
2.	Very useful	
3.	Useful	
4.	Not very useful	
5.	Not useful at all	

48. Have you ever participated in training sessions on hate speech?

1.	Yes	
2.	No	

49. If you participated in training sessions on hate speech, how would you rate them?

1.	Extremely Useful	
2.	Very useful	
3.	Useful	
4.	Not very useful	
5.	Not useful at all	

Annex C: Ministries Departments and Agencies, CSO, Media, Questionnaire

KEY INSTITUTIONS/PERSONS INTERVIEWS

Semi-structured Interview Questions

Introduction:

Greetings, my name is XX. We are conducting an important survey on behalf of the National Human Rights Commission of The Gambia. This study investigates the incidence, prevalence, nature, drivers and impact of hate speech in The Gambia and what strategies could be developed to counteract hate speech,

Accordingly, you have been identified as someone whose experience and knowledge will be useful in obtaining relevant information in this regard. You are free to answer only those questions you are comfortable with and to ignore the ones you don't feel like answering.

The discussion will take about 20 minutes, but you can leave anytime you feel like leaving. You are also free to not respond to some of the issues I may raise or questions I may ask. I will understand. Any information you provide will be with me and those in our office who will use it to analyze what is going on generally. Your personal information will not be shared with others. No name would also not be published in the survey report. The information you give will help us to prepare a report which would be relevant in combating hate speech in The Gambia.

Consent of Participants:

S/N	DESCRIPTION OF ACTION	CONFIRMATION
1.	We shall only take notes of key points made during the discussions. Do you agree with this? Anyone who does not agree is free to indicate.	(YES) (NO)
2.	In addition, we would like to record your responses using our mobile phone/tape. Do you give me your consent? (taped record would be deleted after the transcription).	(YES) (NO)

A. For Media Practitioners (Editors, Media proprietors, etc)

1. What constitutes hate speech from your perspective as a media practitioner? Can you provide specific examples of hate speech incidents you have encountered or observed in your professional capacity?
2. How do you handle hate speech in your medium? (for media practitioners who own/oversee a media outlet)
3. What internal mechanisms or ethical guidelines does your media outlet have to prevent and sanction the dissemination of hate speech content?

4. What are the drivers of hate speech in the media?
5. How do media outlets in The Gambia navigate the delicate balance between freedom of expression and responsible reporting, particularly when addressing sensitive topics which could border on hate speech?
6. What mechanisms should the media establish or set to strengthen measures against hate speech in the media?
7. In your experience, what impact does the coverage of hate speech-related incidents have on community relations and social cohesion?
8. What strategies should the Government put in place to counteract hate speech in the country?

B. For Government Officials, including Local Government Officials, and Independent institutions (NHRC, Office of the Ombudsman, Judiciary, IEC)

1. What legislative and regulatory frameworks exist in The Gambia to address hate speech, and how effectively are they enforced? How could they be strengthened?
2. How does the government/your institutions collaborate with media organizations, civil society groups, and international partners to combat hate speech?
3. In what ways could these collaborative initiatives be strengthened to effectively combat hate speech in The Gambia?
4. What initiatives or programs have your institution/the Government implemented to combat hate speech?
5. What strategies and approaches should the Government put in place to effectively combat hate speech?

C: For Civil Society Representatives

1. What programmes and activities does your organization have to combat hate speech in The Gambia?
2. How do you measure the success of your initiatives in combating hate-speech?
3. How do you assess the effectiveness of civil society interventions in combating hate speech in the Gambia?
4. In your experience, what are the main channels or conduits of hate speech?
5. What strategies and approaches should the Government put in place to effectively combat hate speech?

D: For UN Agencies

1. What do you think are the drivers of hate speech in The Gambia?
2. What efforts are being taken by UN Agencies to help combat hate speech in The Gambia?
3. What mechanisms and strategies do UN Agencies think the Government should put in place to effectively combat hate speech and its drivers in The Gambia?
4. What could be the envisaged roles of CSOs and the Media in counteracting hate speech in the Gambia?
5. How does the UN measure the effectiveness of its initiatives to combat hate speech?

National Human Rights Commission (NHRC)

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