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THE GAMBIA

Research on Hate Speech in The Gambia

A Report by the National Human Rights Commission - The Gambia

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Foreword

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The National Human Rights Commission (NHRC) has a broad mandate to promote and protect human rights in The Gambia. It also undertakes, as part of its functions, studies on human rights issues to influence policy and legal reforms, advocacy, and programme development. This national study, the first of its kind in The Gambia, is necessitated by the growing prevalence of hate speech in the country over the past few years which has the potential to undermine our nascent democracy, weaken the rule of law and threaten our peaceful co-existence.

Hate speech, which is characterised by its derogatory and inflammatory nature towards specific individuals or groups based on attributes such as race, religion, political belief, nationality, ethnicity, gender, or sexual orientation, poses a significant threat to the stability and cohesion of The Gambian society. The proliferation of hate speech on social media and other platforms, predominantly by politicians as found by this study, has raised concerns about its potential to incite violence, instigate social divisions, and promote discrimination.

As the primary duty bearer, the State is required to develop measures to counter hate speech in accordance with Article 20 of the International Covenant on Civil and Political Rights. These measures, however, should not in any way curb or restrict the fundamental right to freedom of expression which is critical in upholding democratic principles and facilitating societal progress.

We encourage policymakers, politicians, actors in the public sector, civil society organisations, and other persons interested in countering hate speech, to look at this Study which not only provides a baseline of the subject with detailed findings but also proffers actionable recommendations to help address hate speech, maintain durable social cohesion, promote respect for human rights, and create a peaceful and better Gambia.

Acknowledgement

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The NHRC is grateful for the collaboration of its national partners in this Project - GPU, WANEP, and NCCE. The NHRC extends our gratitude to its Commissioners and staff for their contribution to this project. Their efforts and commitment were instrumental to the successful completion of the study.

List of Acronyms

ACHPR	African Charter on Human and Peoples' Rights
AMJ	Ahmadiyya Muslim Jamaat
APRC	Alliance for Patriotic Reorientation and Construction
CSO	Civil Society Organization
DoIS	Department of Information Services
FGD	Focus Group Discussion
FH	Freedom House
FIDH	International Federation for Human Rights
GCC	Gambia Christian Council
GPF	Gambia Police Force
GPU	Gambia Press Union
GSIC	Gambia Supreme Islamic Council
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
ICTR	International Criminal Tribunal for Rwanda
IEC	Independent Electoral Commission
IGP	Inspector General of Police
INGO	International Non-Governmental Organisation
IPC	Inter-Party Committee
LEA	Law Enforcement Agencies
LGBT	Lesbian, Gay, Bisexual, and Transgender
MAJaC	Media Academy for Journalism and Communication
MCG	Media Council of The Gambia
MoI	Ministry of Information
MoJ	Ministry of Justice
MTO	Media Training Organisations
NBC	National Broadcasting Commission
NCCE	National Council for Civic Education
NCIC	National Cohesion and Integration Commission
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NPP	National People's Party
NYC	National Youth Council
NYP	National Youth Parliament
OMC	Open Media Centre
OSCE	Organization for Security and Co-operation in Europe
PFO	Press Freedom Organisations
PURA	Public Utilities Regulatory Authority
SIU	Special Investigations Unit
UDP	United Democratic Party
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Program
UNESCO	United Nations Education, Scientific, and Cultural Organization
UNFPA	United Nations Population Fund
UTG	University of The Gambia
VSG	Victims Support Group
WANEP	West Africa Network for Peacebuilding

Executive Summary

Hate speech is a global menace[1] which is, rising and spreading across the world. It is causing harm to individuals and groups, and undermining social cohesion, democracy, and sustainable development[2]. Although known as the Smiling Coast of Africa for its warmth and peaceful reputation, The Gambia is not immune to its devastating effects. Behaviours such as othering, stereotypes, and discriminatory and incendiary attacks have taken strong roots, creating a toxic environment, and threatening national unity and unrest.

Understanding the dynamics of hate speech is crucial for developing effective response measures. This research, commissioned by the National Human Rights Commission (NHRC) with support from UNESCO through the United Nations Peace-Building Fund provides a comprehensive analysis of the prevalence and nature of hate speech, alongside strategic recommendations to address the issue.

Key Findings:

Using a strategic analysis tool to understand the broader external environment, the research findings indicate that the prevalence of hate speech in The Gambia is not an isolated issue. It is connected to and driven by a complex mix of socio-cultural norms and practices, economic hardships, political intolerance and bigotry, and gaps in the regulatory frameworks.

The main research findings are presented in four complementary sections, starting with *Understanding Hate Speech*. This section dissects the complexities of defining hate speech, critically examining various attempts in law and scholarship, and provides a distinction between hate speech from other harmful or offensive forms of expression.

The section on the *Prevalence of Hate Speech* investigates and confirms the noticeable rise in the prevalence of hate speech in The Gambia. The research identifies the various perpetrators, the most common targets, and the causes of hate speech. The hate speech narratives that have been analysed revealed a disturbing pattern and impact on individuals, communities, and the democratic transition.

The role of the media in relation to hate speech is crucial. The dedicated section, *Media and Hate Speech*, investigates how the media in The Gambia contributes both to the spread of hate speech and acts as a counterforce to hate speech narratives. The research highlights this complex – and sometimes contradictory role of the media in addressing hate speech. Thus, given the numerous challenges inherent in the media landscape, there is an urgent need for stronger gatekeeping mechanisms, and effective regulatory frameworks that guarantee media freedom and responsibility.

The research findings reveal that there is no specific legislation on hate speech, no clear legal definition of the term or its scope, and weak or ineffective enforcement of the legal provisions that partially cover hate speech. Moreover, concerns are being raised about potential overreach in the legislative measures being adopted to address hate speech. In this regard, the section on the *Legal Environment for Hate Speech* examines and analyses hate speech legislation in Africa. While the outcome of legislative measures in various African countries does not generally appear to inspire confidence in the effectiveness of legal means to address hate speech, international standards provide valuable guidance on how countries should address hate speech.

As highlighted in the section, *Responses to Hate Speech*, the research findings reveal a wide range of initiatives being implemented by various stakeholders, both government and non-governmental, to address hate speech. These include law enforcement, media monitoring, training, capacity building, and community engagement.

However, evaluation of the various initiatives shows that the approaches or responses to hate speech in The Gambia are fragmented, with no strategic or policy direction. The research underscores the need for more robust and coordinated efforts to combat hate speech.

The Conclusion drawn from the research is that although the prevalence of hate speech in The Gambia may not yet be described as out of control, the observable trends and patterns are deeply concerning. To address the situation there should be a multi-pronged approach[3], detailed in the extensive list of Recommendations, including legislative and law enforcement measures, public awareness, data collection, inter-institutional cooperation, and capacity-building.

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Content

Methodology

This research comprises several complementary sections. Each section focuses on different aspects of the research topic. While the methods used differ only slightly, each section includes both qualitative and quantitative data analysis.

During the desk review, both electronic databases and manual searches were utilised to systematically collect and analyse information from diverse sources, including media reports, government records, academic papers, advocacy materials, etc.

The research also employed multiple research techniques, tailored to specific sections, which included public perception and targeted surveys, key informant interviews, focus group discussions, and content analysis.

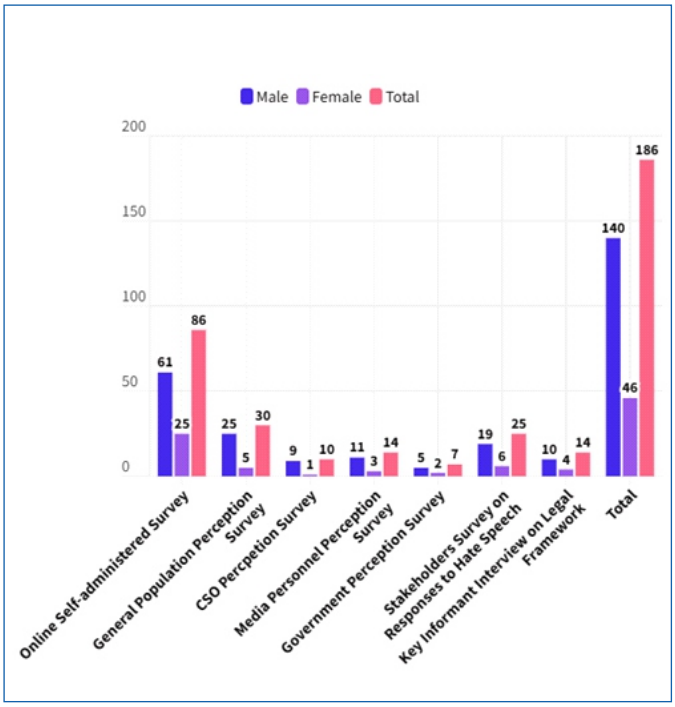


Figure 1. Number of Respondents for Various Surveys and Key Person Interview

As illustrated in Figure 1, a total of 193 respondents participated in the various survey activities and key informant interviews, excluding 9 individuals who participated in the Focus Group Discussion.

This means an overall total of 202 individuals were engaged in various research activities, with the breakdown as follows:

- To understand public perception of the prevalence of hate speech in the country, a self-administered questionnaire was deployed online using snowball sampling, targeting 86 respondents. This was supplemented by a targeted sampling of specific groups - CSOs, government employees, and media professionals, with an additional 61 respondents engaged.

- To analyse the role of the media in relation to hate speech, the data collected from the targeted sampling of CSOs, media, and government respondents was utilised, as the questionnaire included questions on the role of the media in respect of hate speech. Additionally, a focus group discussion, targeting 9 media professionals was conducted to interrogate the findings of the survey and gain deeper insights.

- To analyse the legal environment for hate speech, key informant interviews were conducted among legal practitioners in The Gambia. Through this, 14 participants were selected based on their expertise in human rights or their strategic positions in such areas as the Judiciary, Government Ministries, and academia.
- To evaluate the nature and effectiveness of responses to hate speech in the country, a stakeholder identification exercise was conducted. Institutional stakeholders were identified based on publicly recorded interventions, legal mandates, and stated roles in hate speech issues. Through this exercise, a total of 32 respondents representing various institutions were engaged in the stakeholder survey and analysis.

As illustrated in Figure 3, 61 per cent of the respondents are under the age of 40, likely reflecting the country's youthful population and the accessibility of online surveys, which may have excluded older participants less familiar with digital platforms.

The illustration in Figure 2 shows that the respondents are predominantly highly educated. A significant majority (89 per cent) of the respondents have attained at least tertiary-level education. A smaller proportion of respondents hold a diploma, accounting for 5 per cent of the total.
The largest group of respondents are from the civil service, representing 27 per cent of the total number of respondents, as illustrated in Figure 4. The private sector and media are also significantly represented, with 18 per cent and 16 per cent of respondents, respectively. This means there is a broad range of professional experiences and perspectives, contributing to a diverse and comprehensive survey. The graph (Fig 4) does not capture the 14 KII participants, who are all lawyers.

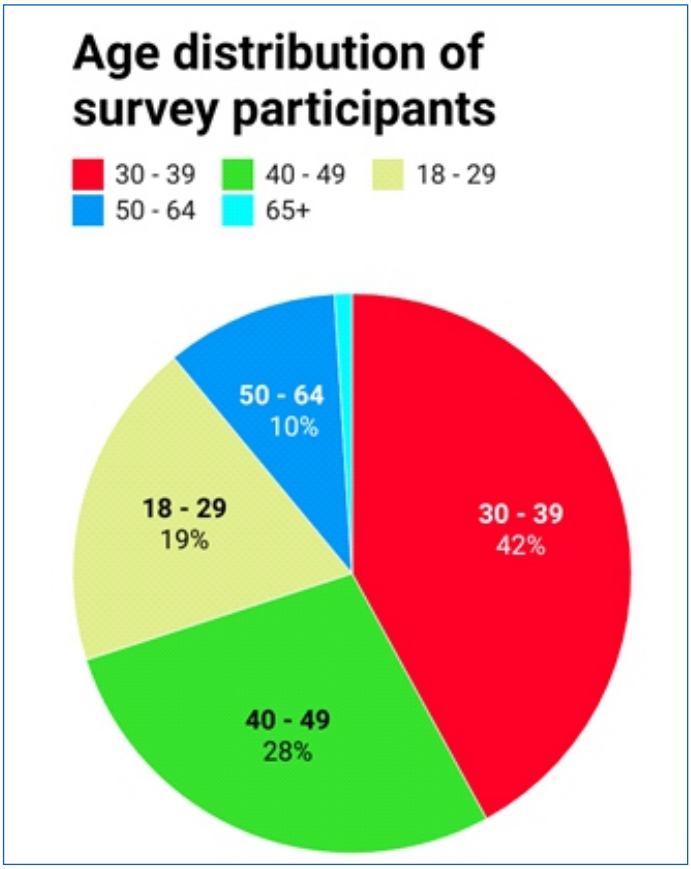
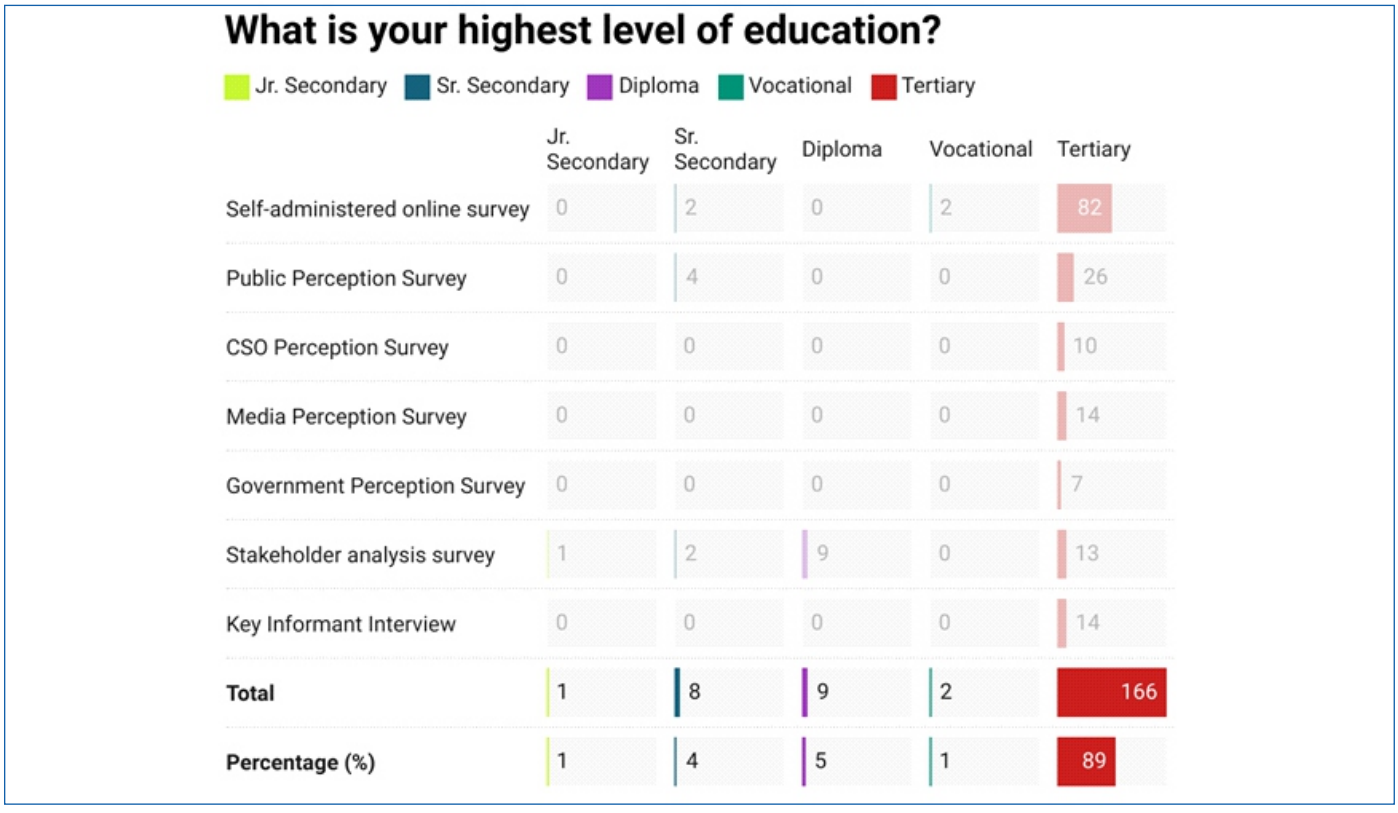
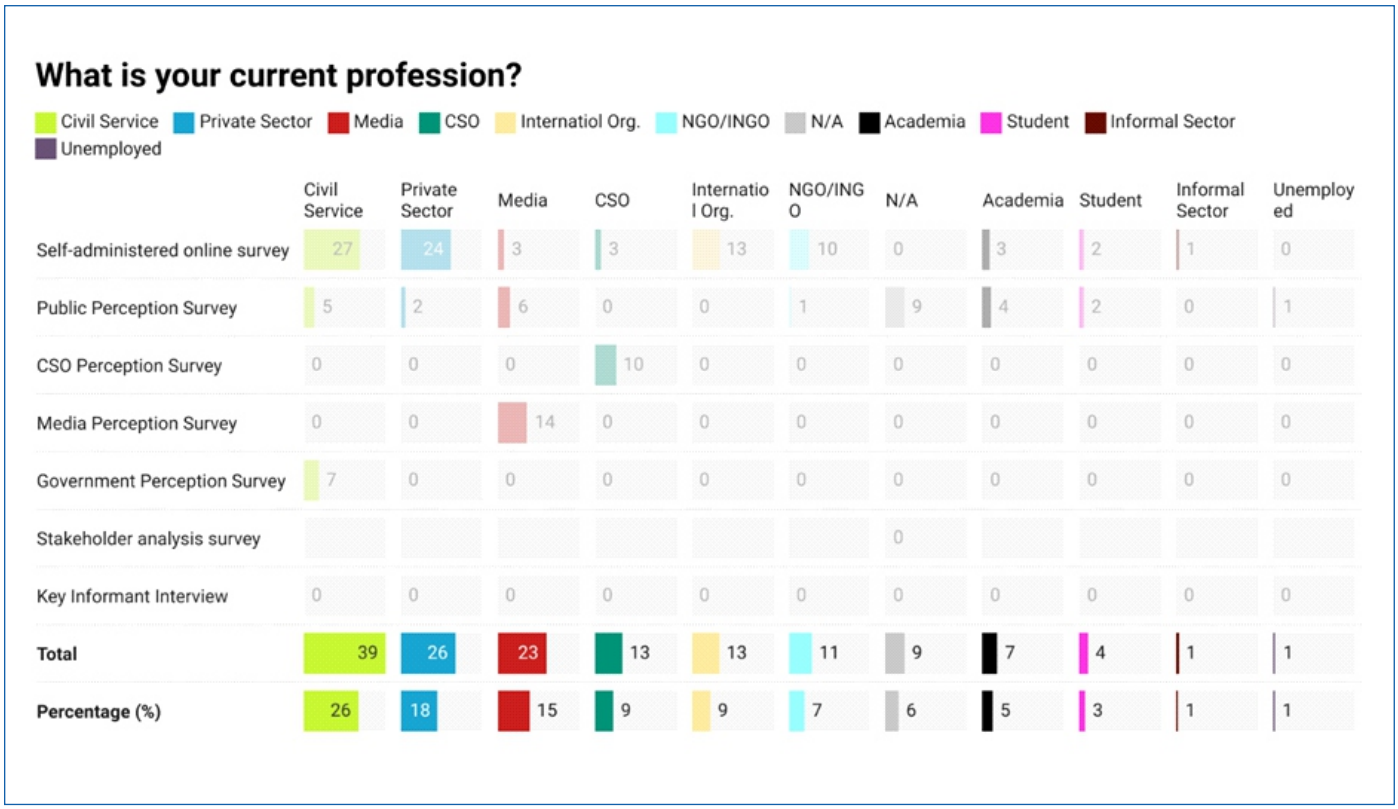


Figure 3 Age Distribution of Survey Respondents



	Jr. Secondary	Sr. Secondary	Diploma	Vocational	Tertiary
Self-administered online survey	0	2	0	2	82
Public Perception Survey	0	4	0	0	26
CSO Perception Survey	0	0	0	0	10
Media Perception Survey	0	0	0	0	14
Government Perception Survey	0	0	0	0	7
Stakeholder analysis survey	1	2	9	0	13
Key Informant Interview	0	0	0	0	14
Total	1	8	9	2	166
Percentage (%)	1	4	5	1	89

Figure 2 Educational Background of Survey Respondents



	Civil Service	Private Sector	Media	CSO	Internatio l Org.	NGO/ING O	N/A	Academia	Student	Informal Sector	Unemploy ed
Self-administered online survey	27	24	3	3	13	10	0	3	2	1	0
Public Perception Survey	5	2	6	0	0	1	9	4	2	0	1
CSO Perception Survey	0	0	0	10	0	0	0	0	0	0	0
Media Perception Survey	0	0	14	0	0	0	0	0	0	0	0
Government Perception Survey	7	0	0	0	0	0	0	0	0	0	0
Stakeholder analysis survey							0				
Key Informant Interview	0	0	0	0	0	0	0	0	0	0	0
Total	39	26	23	13	13	11	9	7	4	1	1
Percentage (%)	26	18	15	9	9	7	6	5	3	1	1

Figure 4. Professional Background of Survey Respondents

Limitations

This research was not without limitations. The absence of a definition for the term 'hate speech' in our national legislation made it difficult to identify all its elements and parameters. This was mitigated by utilising the definition of hate speech provided in the UN Strategy and Plan of Action as the working framework.

The comprehensiveness of the research was limited by a lack of adequate time to effectively cover all demographic groups and regions, impacting the breadth and inclusivity of the findings. Focus group discussions with women, persons with disabilities, and religious and ethnic minorities would have given important insights into the peculiar circumstances of such vulnerable groups. To mitigate this shortcoming, however, several measures were utilised, including key person interviews, leveraging secondary data, and using case studies. A critical group of non-nationals that was also inadvertently left out in the interview was Senegalese.

Scanning and Analysis of Hate Speech in The Gambia – PESTLE Tool

Hate speech does not happen in a vacuum. It is almost always symptomatic of underlying tensions and prejudices within society[4]. In carrying out this assignment, the factors that contribute to the presence and noticeable escalation of hate speech in The Gambia were examined. Using the PESTLE tool - Political, Economic, Social, Technological, Legal, and Environmental analysis - the research explores the contextual factors that drive the menace. The insights gained from this exercise align with previous research[5] and perceptions that hate speech in The Gambia is a manifestation of deeper societal issues. These issues include historical divisions and inequalities, economic hardships, competition for power and resources, lack of strong accountability institutions, a legacy of authoritarian rule, and the existence of the 'caste system' in the society.

The POLITICAL trajectory of The Gambia has been shaped by a complex interplay of political factors since its independence in 1996. The country has in recent decades undergone significant political transitions, marked by periods of authoritarian rule and, more recently, a nascent transition towards democracy. The surge in political parties represents a positive sign of a healthy democracy while the resultant increase in the level of political contestation has led to heightened political tensions[6]. Several studies conducted in The Gambia point to a disturbing rise of ethno-politics[7].

Political rallies have particularly become fertile grounds for hate-based rhetoric, targeting ethnicity, religion, migration, and gender, among other identity groups[8]. Coming at a time when the country's political climate heats up ahead of the 2026 presidential election, this research identifies emerging signs of hate-based and dangerous rhetoric similar to that which shaped and undermined the 2021-2023 electoral cycle[9].

The Gambia's young population is perhaps the group that finds itself most at risk, heavily exposed to patterns and harms linked to such influences around identity and co-optation by leaders for political ends[10]. Studies also show that at least 43 per cent of Gambians believe the present Government treats their ethnic group unfairly while the percentage of citizens who say the Government never discriminates against their ethnic group dropped from 71 per cent in 2018 to 53 per cent in 2023[11].

The Gambian ECONOMY has maintained its recovery trajectory following shocks induced by COVID-19[12]. The Government has introduced the Recovery-Focused National Development Plan 2023-2027 (RF-NDP) as a successor to NDP 2018-2021. While the previous Plan promised to address economic shocks and engineer growth towards addressing poverty, poverty had increased to 53.4 per cent in 2021, from 45.8 per cent in 2019[13]. The new National Development Plan, 2023-2027, pledges to address recovery needs based on green recovery and resilience[14]. Its success remains uncertain as poverty has increased according to the latest studies[15]. Similarly, the level of inequality is on the rise, including gender inequality which is among the highest in sub-Saharan Africa[16]. Unemployment amongst the youth, who constitute over 60 per cent of the population, is 45 per cent[17]. As revealed through the literature review, the economic outlook signals hardships and disparities that breed resentment and scapegoating.

The Gambia's SOCIAL environment is characterised by cultural diversity. Different ethnic groups and religions coexist peacefully. The country has been ranked the third most peaceful country in sub-Saharan Africa, credited to political stability and level of tolerance[18]. However, there are indications that ethnic and religious tensions and other forms of polarisation have escalated especially in the online space[19]. In its 2023 Corruption Perception Index Report, Transparency International ranked The Gambia 98th position out of 180 countries, a slight improvement over 2022 which was 110th position out of 180 countries.

Land disputes are rife with ethnic and religious undertones and have been identified as a major driver of conflict[20]. Gambian society is still influenced by the hierarchical caste structure of its past amid incidents of assault and discriminatory practices against those regarded as slaves. Studies show that even though the overwhelming majority of Gambians are tolerant towards others, only 7 per cent are tolerant towards people in same-sex relationships and nine out of 10 Gambians say their ethnic identity is as strong as their national identity[21]. The declaration of The Gambia as an Islamic State in 2015 by former President Jammeh, heated public debate over 'secularism' in the Constitutional review process, and other religious fracases between religious minorities and the majority Sunni Muslims in the past have not helped in terms of further cementing religious harmony and peaceful co-existence in the country. As shown in this research, these polarisations fuel hate speech. The recent polarising public debate over attempts to repeal the Women's (Amendment) Act 2024 which prohibits FGM in the country and the rape trial of a popular young male entrepreneur have revealed disturbing levels of polarisation in the society with discussions turning into hate speech towards specific ethnic groups and women. The Government's plan to establish a Peace and Reconciliation Commission signifies an acknowledgement of the need to address deep-seated divisions and grievances following the era of authoritarian rule. However, the Bill, that should set up the Commission, has not yet been submitted to the National Assembly, hampering prospects of fostering a more cohesive and inclusive society[22].

The Gambia's TECHNOLOGICAL environment is evolving, with significant expansions both on the supply and demand side[23]. The setting up of a new Ministry responsible for ICT and Digital Economy aims to unlock pathways for rapid economic growth, innovation, and technological advancement[24]. Mobile penetration is high, at over 135 per cent, and there is sharp internet penetration from 23.7 per cent in 2021 to 51 per cent at the start of 2023[25]. The increase in access comes with the ease of creating and disseminating hateful content on social media. As shown in this research, social media is the most common platform for spreading hate speech or hateful disinformation. The lack of effective measures and inadequate policies leave the public exposed and vulnerable to hate speech.

While the Gambian LEGAL environment remains heavily regulated with legislation such as the Public Order Act and the Criminal Code, legal reform was one of the objectives of the Coalition Government in 2017. A major step undertaken was the establishment of the Constitutional Review Committee which was tasked to usher in a new Constitution for the country. However, in September 2020, the Constitution Promulgation Bill 2020 failed to pass in the National Assembly. It was hoped that the adoption of a new Constitution would have addressed the issue of hate speech legislation. Similarly, the Criminal Offences Bill 2022, which aims to replace the current Criminal Code, remains stalled in the National Assembly. The bill contains provisions that address hate speech as a legal concept for the first time in The Gambia. As revealed in this research, the lack of sufficient laws to effectively address hate speech, coupled with selective application of the law, complicates law enforcement measures.

The Gambia's ENVIRONMENTAL situation is fraught with critical challenges. The goal to attain net-zero greenhouse gas emissions by 2025 remains uncertain as the country lost its status as the only nation in the world likely to meet the targets set in the 2015 Paris Agreement. Lives and livelihoods are severely affected by floods, erratic rainfall, deforestation, coastal erosion, pollution, and loss of biodiversity among others. Studies show that 80 per cent of Gambians believe that climate change has made life worse in the country. The country's vulnerabilities to climate change have been identified as a key driver of conflict. Environmental protests have become common and sometimes violent, particularly in the coastal towns and villages, with xenophobic undertones directed towards Chinese nationals who own fishmeal factories and Senegalese fishermen.

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3. Analysis of Research Finding

PART 1 *Understanding Hate Speech*

PART 2 *Prevalence of Hate Speech in The Gambia*

PART 3 *Media and Hate Speech*

PART 4 *Legal Framework of Hate Speech in The Gambia*

PART 5 *Responses to Hate Speech in The Gambia*

Part I

3.1 Understanding Hate Speech

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.

3.1.1 What is Hate Speech?

This research provides insights into the knowledge, perceptions, and experiences of the various respondents regarding hate speech in The Gambia. Analysis of responses from various surveys, focus group discussions, and key person interviews reveal a gap in the precise understanding of the definition and dynamics of hate speech. This is compounded by a lack of a clear definition of the term in domestic laws.

The Gambian situation reflects a broader global challenge with the concept of hate speech. Scholars and experts generally find the concept of hate speech problematic[29]. They have characterised the various definitions as opaque, vague, overly broad, confusing, contradictory, impractical, and ambiguous[30].

There is no generally accepted definition of hate speech under international human rights law[31]. This lack of consensus appears to arise from not only the challenge of balancing hate speech with freedom of expression, but also the contentious, multi-dimensional, evolving, and context-dependent nature of what constitutes hate speech.

In 2019, the UN formulated a definition through the UN Strategy and Plan of Action on Hate Speech which defines hate speech as follows:

> ***" 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[32].***

One of the most accepted definitions of hate speech used in Europe is by the Committee of Ministers of the Council of Europe in Recommendation 97, worded as follows:

> ***" 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[33].***

Where there are other definitions, the following common themes could be found in various definitions:

- Hate speech can be conveyed through any form of expression or communication beyond speech and writing. For example, throwing a banana at a black player on the pitch constitutes hateful expression as it is a form of discriminatory behaviour that targets an individual based on his or her race.
- Hate speech can target either an individual or a group based on their affiliation with a specific group identity. For example, saying Mr X is corrupt might be considered acceptable criticism supported by truth as a defence against defamation. However, saying Mr X is corrupt because he belongs to a particular tribe could be classified as hate speech. This holds even if Mr X's corruption and tribal affiliations are factual because the comments disparage Mr X based on his tribal identity rather than restricting criticism to his actions or character.
- The expression or language used, that calls out identity factors, real or perceived, must be discriminatory or derogatory or incite violence, hostility, or discrimination to constitute hate speech.

It is important to point out that hate speech, in addition to words and sentences that call for hatred and violence, represents an entire system of values that an individual or group has towards another individual or group, based on prejudices and stereotypes. As emphasised by International Federation for Human Rights (FIDH):

"…. hate speech should not include: 1) ideologically and politically different positions (provided that such a position do(es) not imply discrimination and incitement to violence due to certain personality traits or group affiliation), 2) slander and insult which has no discrimination as a motive or a call for violence against one of the protected groups, 3) critical attitude towards the government, political parties, public figures etc., which also does not have a recognizable motive characterising it as hate speech (intends to incite violence and discrimination)[34].

3.1.2 How to Recognise Hate Speech?

In practice, it is sometimes hard to distinguish between discriminatory practices and hate speech. Both discrimination and hate speech involve the violation of the rights of individuals or groups, their relatives, or otherwise related individuals, based on actual or presumed grounds (race, skin colour, language, religion, ethnicity, disability, age, nationality or social origin, affiliation with a national minority, political or other beliefs, property status, membership in a trade union or other association, education, social status and gender, sexual orientation, gender identity, sexual characteristics).

Discrimination refers to different treatment related to the stated grounds, including any exclusion, restriction, or preferential treatment, as well as any other circumstance that has the purpose or consequence to disable or endanger any person's recognition, enjoyment or exercise on an equal basis, rights, and freedoms in all areas of life. Hate speech, on the other hand, represents any form of communication, verbal or non-verbal, which promotes discrimination, expresses hatred and incites violence towards a particular group or individual.

To distinguish a form of hate speech from speech that has offensive content, we must establish the following:

- Who is the object (hate speech targets an individual or a group of people because of a specific characteristic)
- What is the intention of the speaker (hate speech always aims to attack, intimidate, or provoke a negative attitude and emotions towards a person or group of people)
- Where is it manifested (hate speech is always public speech, uttered in the public domain, including the media and the internet)
- What messages does it include (hate speech includes inappropriate vocabulary, threats, insults, and words that discriminate),
- In what context is the speech used (is it a political or historical context),
- Who is the speaker (one should distinguish those who have a greater impact on society and the audience)[35]

3.1.3 The Relationship Between Hate Speech and Freedom of Expression

The public often raises the question of: Where does freedom of expression end and hate speech begin? There is a justified fear in society that the authorities would restrict freedom of expression, under the pretext of preventing and sanctioning hate speech. Freedom of expression is sometimes seen as a conflicting interest in hate speech.

Many scholars have acknowledged that the intersection between hate speech and freedom of expression is a complex dilemma. Freedom of expression, including the right to hold opinions, and receive and impart information, is a fundamental human right enshrined in international instruments and entrenched as a protected provision in the 1997 Constitution of The Gambia. However, it is important to underline that the right to freedom of expression is not absolute.

According to Section 25 (4) of the Constitution, the law may impose reasonable restriction on the exercise of the right to freedom of expression –

> ***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..***

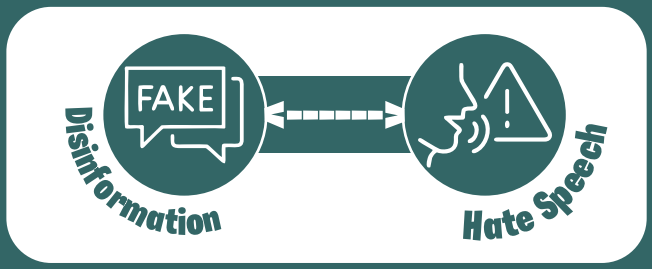
In a country like The Gambia which is still strengthening its democracy and rule of law, there is a possibility to misinterpret freedom of expression and hate speech. Just as the rights and security of other individuals and groups must not be jeopardised under the pretext that someone has the right to freedom of expression, so the introduction of restrictive measures aimed at preventing and sanctioning hate speech by the Government must not call into question freedom of expression.

Hate speech, in the main, constitutes discriminatory or derogatory attacks, and incitement to violence or hostility against individuals or groups based on their identity. It could violate the boundaries of freedom of expression and pose a threat to fundamental rights such as dignity, equality, and protection from discrimination, violence, and inhumane treatment - all of which are accorded entrenched protection under the Constitution.

Balancing the right to dignity, equality, protection from discrimination or protection from violence, and freedom of expression can be very delicate, especially in a democracy where the competition of ideas and free flow of information is crucial for democratic engagement. The decision is not about prioritising one over the other. It is about maintaining a balance, as delicate as it is challenging, between hate speech and freedom of expression using approaches that uphold the fundamental right to free expression while protecting individuals and groups from harm and exclusion. Thus, while hate speech poses risks to peace, social cohesion, and dignity of individuals, it has often been used and exploited to suppress freedom of expression.

There should also be a distinction between hate speech and other phenomena such as insults, slander, and the like. If insults and slander are based on stereotypes and prejudices towards an individual/person based on his presumed or actual group affiliation (national, ethnic, religious, sexual ...) and are aimed at hurting him, then they can be subsumed under hate speech.

3.1.4 The Relationship Between Hate Speech and Disinformation



As illustrated above, there is a correlation between hate speech and disinformation. Each relies on and reinforces the other. A review of examples of hate speech incidents in the country shows that hateful comments often contain false narratives.

> ***"You [parents] give your [commercial] vehicles to non-Gambians, leaving at home your sons who can drive. It is not allowed by law. Let us stop it. You would see a Momodou Salieu Jallow who owns a shop and decides to buy a vehicle for commercial purposes. Instead of giving the car to a Gambian to operate, he would bring his brother from Guinea or Guinea Bissau, get him the alkali's certificate, and eventually obtain a driver's licence***[36]***.***

These remarks, attributed to a senior Police Officer, illustrate the false narrative that the unemployment situation is the result of 'foreigners taking our jobs'.

Although the senior Police Officer eventually retracted the statement – a good example of accountable behaviour – the comments are an example of how hate speech can reinforce disinformation. The comments targeted a specific group – non-Gambians – employing harmful stereotypes and appeals to nationalistic sentiment.

Similarly, disinformation incidents often contain hateful undertones. A review of disinformation incidents flagged by fact-checking organisations shows that a significant number could be categorised as hateful misinformation.

> ***"During the election campaign, Mr Ousseynou Dabo, the great opponent of Yahya Jammeh and a confirmed nationalist, to achieve his electoral target, highlighted his extreme nationalism by threatening to throw the foreign community outside the Gambia borders, including the Senegalese.***[37]

The above comment, attributed to a Senegalese media platform and reproduced by the media in The Gambia during the 2021 presidential campaign period, is an example of how disinformation with hateful undertones can be used to manipulate public opinion by exploiting existing fears and prejudices.

The two examples demonstrate the relationship between disinformation and hate speech. They often serve a common purpose: to justify hostility, acts of aggression, unfair treatment, and prejudices against certain individuals or groups. The toxic interplay between the two was particularly apparent during the election, and as seen in crises such as during the COVID-19 pandemic, the FGM repeal debate and the rape trial of a prominent male entrepreneur.

Chapter 3.1 References

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37 As n 36 above

Part II

3.2 Prevalence of Hate Speech in The Gambia

3.2.1 Methodology

To understand the prevalence of hate speech in The Gambia, two methodologies were used: an online self-administered survey and a targeted survey.

In the self-administered survey, a questionnaire was deployed online to gather information from a target sample of 100 respondents, representing a cross-section of the Gambian population. The survey targeted individuals with a minimum of secondary education from both the private and public sectors, including academia and students.

A total of 86 participants responded to the questionnaire, of which 25 were female (29 per cent) and 61 were male (71 per cent). Whilst the minimum age of respondents are 18 years, 70 per cent of respondents were between 30 to 49 years, 19 per cent below 29 years, and 11 per cent above 50 years of age. Respondents included members of the various ethnic groups, persons with disabilities, refugees, and migrants.

The overwhelming majority of respondents were Gambians (96 per cent), with most of the ethnic groups fairly represented across the target population. The level of education of the target population was quite high with most (95 per cent) at the tertiary level, having attained at least an undergraduate degree. About 60 per cent of respondents work in the civil service, private sector, or with international organisations.

In the targeted survey, specific questionnaires were administered separately to the following: members of the population, Civil Society Organisations, the Media, and Government officials. There was a total of 61 respondents as follows: general population (30), CSOs (10), media (14) and government (7). The majority of the respondents in the targeted survey fell within the age range of 36-45, indicating that individuals in this age group are more actively engaged or concerned about the issue of hate speech. In contrast, the majority of government officials who took part in the targeted survey fell within the 26-45 age bracket (71 per cent), with 18-25-year-olds representing 29 per cent.

The targeted survey respondents were predominantly male for both government and CSO respondents, 71 per cent and 90 per cent respectively, suggesting a potential gender gap in awareness or participation in discussions related to hate speech. All respondents from the CSO and government sector have attained University/College level education, indicating a higher level of awareness and education among the respondents.

3.2.2 Awareness of Hate Speech

The findings from both online and targeted surveys show different levels of understanding of hate speech in The Gambia amongst the respondents.

As illustrated in Figure 5, among the 25 female respondents, 24 per cent rated their understanding as 'very high', while 56 per cent rated it as 'high'. Of the 61 male respondents, 39 per cent rated their understanding as 'very high' and 43 per cent rated it as 'high'. An overwhelming majority (82 per cent) of the respondents to the self-administered survey rated their level of understanding of hate speech as either 'very high' or 'high'.

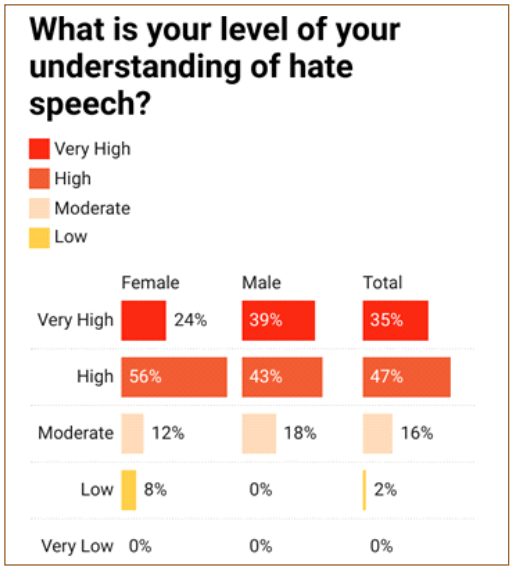

Figure 5 Level of Understanding of Hate Speech

This finding is supported by the fact that 87 per cent of respondents were able to accurately recognise a basic definition of hate speech.

The responses from the questionnaire that was specifically administered to respondents from the Government, CSOs, and the media offered a bit more nuanced perspectives, indicating that civil society workers and civil servants slightly lag behind journalists in terms of basic understanding of hate speech. This may not be a coincidence. The literature reviewed suggests that journalists are more actively engaged on issues of hate speech compared to their counterparts in civil society and Government.

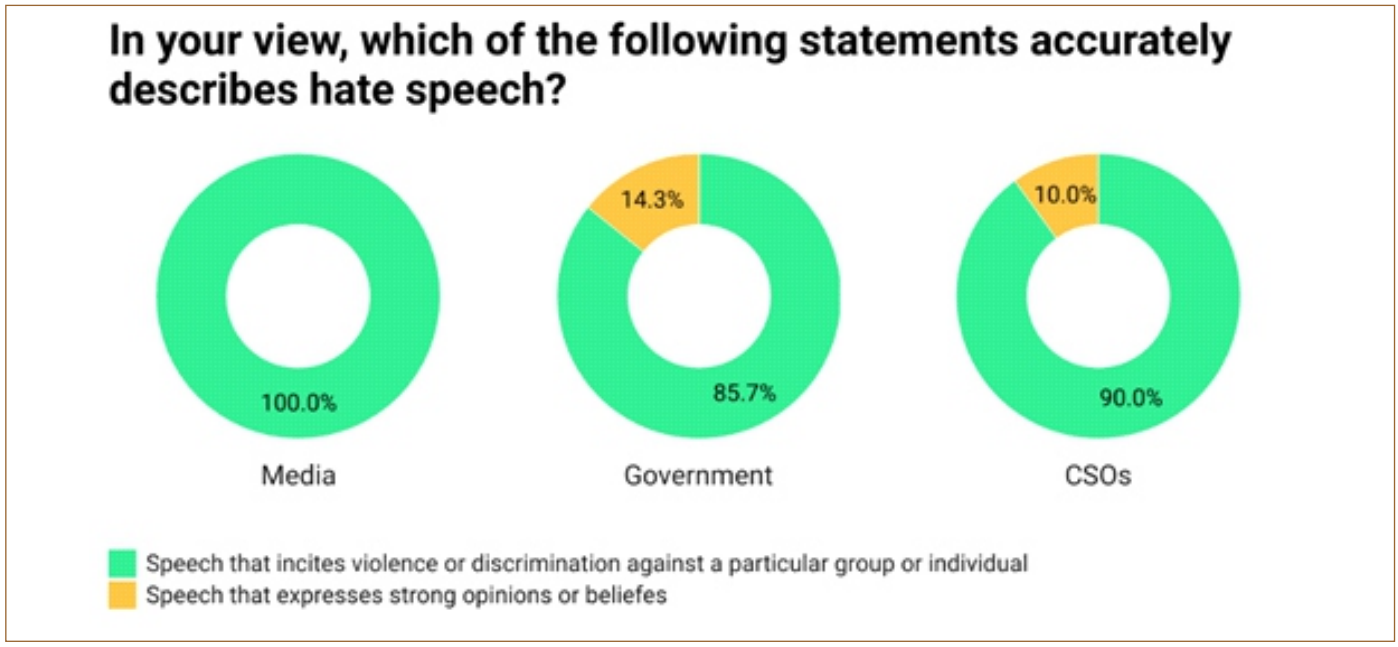

Figure 6 Defining Hate Speech

As illustrated in Figure 6, 14 per cent of government respondents and 10 per cent of CSO respondents believe that 'speech that expresses strong opinions' constitutes hate speech. Media practitioners, on the other hand, demonstrate a stronger understanding of hate speech, providing a 100 per cent correct definition.

3.2.3 Prevalence of Hate Speech

The perception of respondents to the self-administered survey is that hate speech is highly prevalent in The Gambia.

Figure 7 shows that out of the 86 respondents, 58 per cent say hate speech is 'common', followed by 36 per cent who say it is only 'slightly common'. This means an overwhelming majority of respondents confirm the prevalence of hate speech in the country, with only 5 per cent of respondents believing hate speech occurs only 'rarely'.

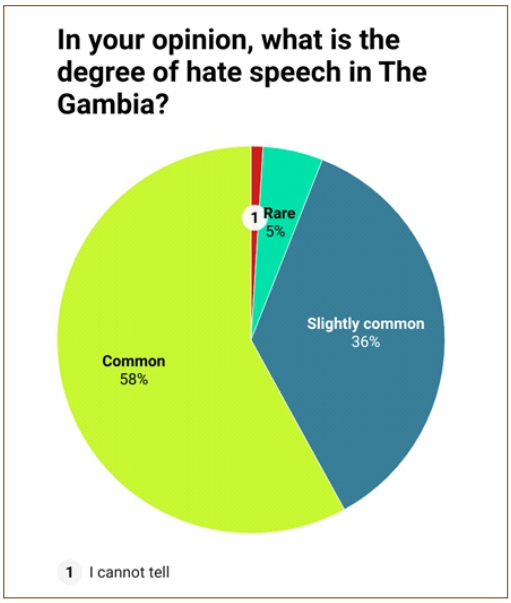

Figure 7 Perception of How Common Hate Speech is in Gambia

a. Experience of Hate Speech

Results from the online self-administered survey reveal that at least 38 per cent of the respondents reported being directly targeted by some form of hate speech. This indicates a significant portion of the surveyed population has been directly targeted, even though the majority (52 per cent) stated that they have not been victims of hate speech in the past 12 months (see Figure 8)

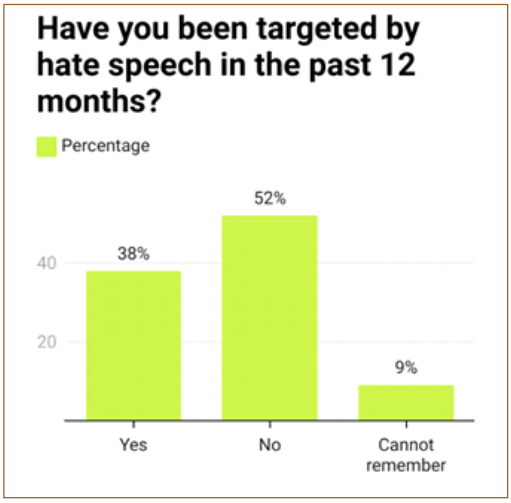

Figure 8 Have Respondents Been Targeted by Hate Speech

b. Encounter with Hate Speech

Results from the questionnaire directly administered to the targeted respondents (journalists, civil servants, and government workers) show that a significant portion of respondents frequently encounter hate speech. As illustrated in Figure 9, 50 per cent of CSOs respondents, 29 per cent of media respondents, 14 per cent of Government respondents, and 17 per cent of the general public "always" encounter hate speech, a finding that underscores the widespread nature of hate speech across various sectors. The result shows that CSOs encounter hate speech the most, followed by the media, perhaps due to the public roles and active engagement with the public on human rights and socio-political discourses.

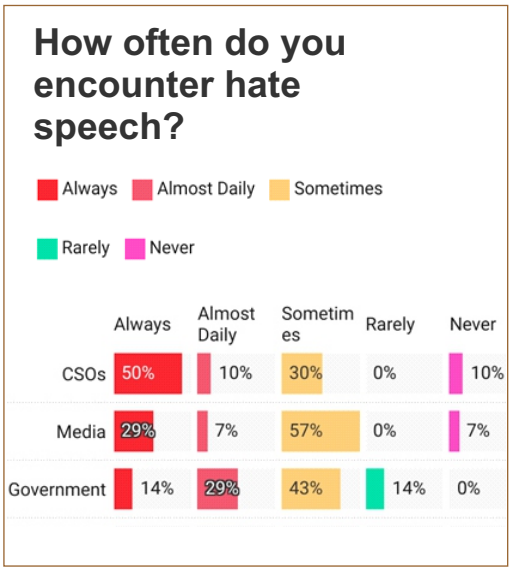

Figure 9 Encounter with Hate Speech

c. Word Cloud Analysis of Predominant Themes

In this word cloud visualisation, the predominant themes and concerns within the discourse are analysed, providing valuable insights into the prevalent topics and concerns within the responses. The Cloud was generated from the survey responses. The frequency of specific words and their contextual implications are discussed below.

Figure 10 Word Cloud Visualisation of Predominant Themes in the Survey

High-Frequency Words and Their Implications

The terms "speech" (274) and "hate" (263) appear with the highest frequencies, underscoring the critical concern regarding hate speech. This highlights the

centrality of discussions around hate speech, its regulation, and its societal impact.

The high frequency of "people" (167) and "know" (140) indicates a focus on the general populace's awareness and understanding of these issues. "Media" (130) is also prominent, suggesting that discussions are significantly concerned with the role of media in propagating hate speech and political messages.

The term "political" (99) underscores the importance of political dialogue and its influence on societal issues.

Specific Contextual Words

The frequent mention of "tribe" (49) and "tribes" (26) suggests that inter-tribal relations and ethnic tensions are significant concerns. The terms "program" (43) and "programs" (32) highlight initiatives aimed at addressing these issues. The appearance of "dangerous" (40) and "radio" (37) suggests that certain forms of media may be perceived as particularly harmful in spreading hate speech. "Society" (36) and "community" (33) point to a focus on the societal impact of hate speech and political rhetoric.

The terms "politicians" (35), "government" (28), and "politics" (23) underscore the role of political figures and institutions in the discourse. The presence of "support" (31), "awareness" (22), and "platforms" (22) indicates efforts to mitigate these issues through community support and awareness programs. The term "tribal" (23) suggests ongoing concerns about tribalism and its implications for societal cohesion. The frequency of terms like "election" (23), "elections" (22), and "presidential" (17) underscores the importance of electoral processes in the political landscape.

The frequent mention of specific ethnic groups, such as "Mandinka" (25) and "Mandinkas" (21), and Jolas (14) highlights relevant issues, potentially involving ethnic conflicts or political alignment. It highlights relevant issues involving these groups, potentially related to ethnic conflicts or political alignment. "Violence" (19) and "negative" (18) point to concerns about the detrimental effects of hate speech and political discord. "Law" (18) and "legal" (18) suggest discussions about the legal frameworks necessary to address these issues effectively.

Solution and Interventions

The terms "support" (31), "awareness" (22), "programs" (32), and "education" (20) highlight the emphasis on solutions and interventions aimed at addressing these challenges. This includes creating awareness, supporting affected communities, and implementing educational programs. The term "work" (20) implies ongoing efforts to address and mitigate these issues through various means.

Essentially, the word cloud analysis reveals a complex interplay between hate speech, political dynamics, ethnic tensions, and the role of media in Gambia. The frequent mention of tribal and ethnic groups, political events, and digital platforms suggests a multifaceted discourse focused on the societal impact of political and social issues. Additionally, the presence of terms related to awareness, support, and education indicates ongoing efforts to address these challenges through community engagement and policy measures. This analysis underscores the necessity for targeted interventions to mitigate the negative effects of hate speech and political discord, promoting a more cohesive and harmonious society in The Gambia.

3.2.4 Platforms Used to Spread Hate Speech

In the self-administered survey, respondents who claimed to have been directly targeted by hate speech were asked which platforms they experienced it on.

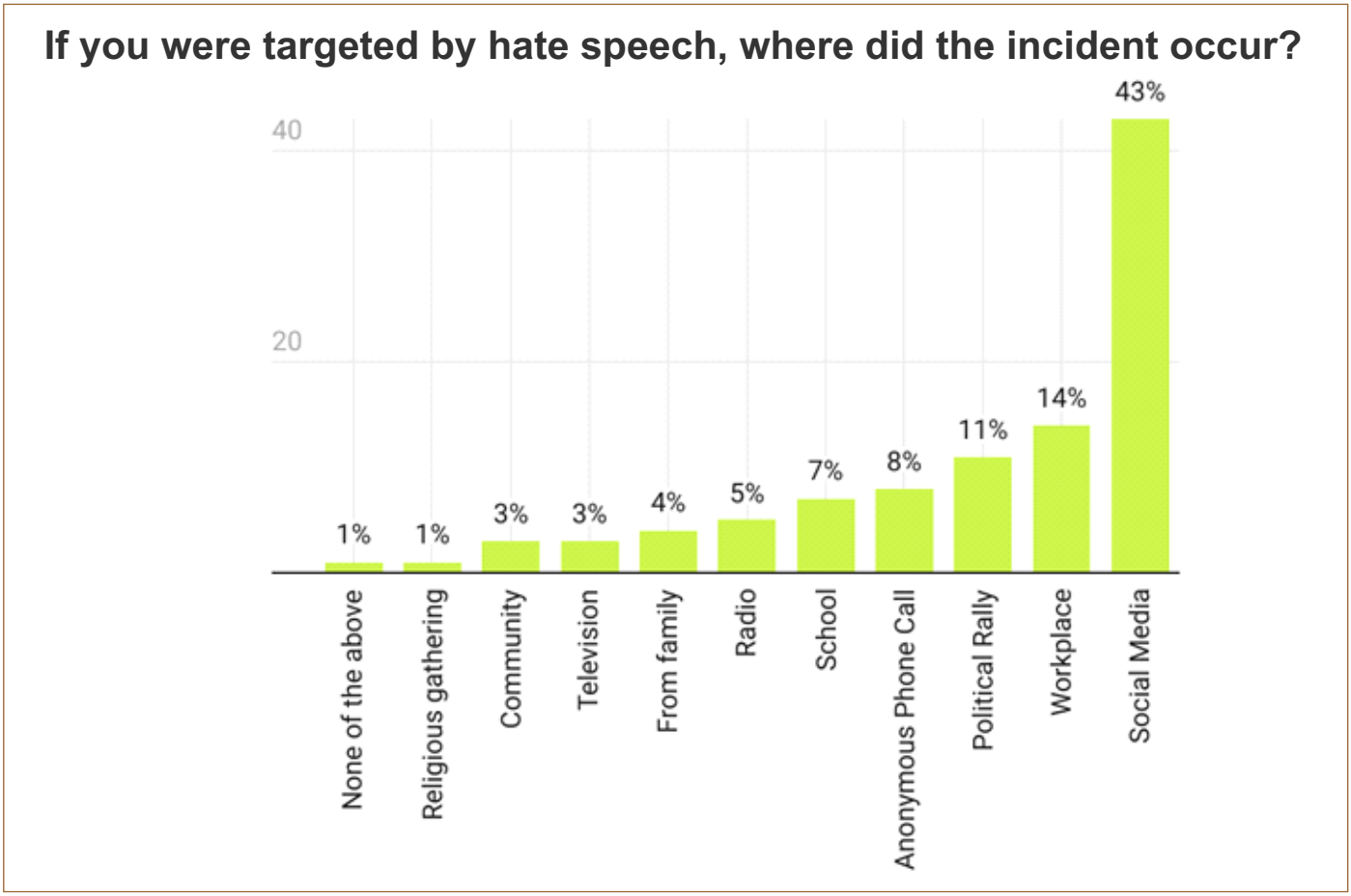

Figure 11 Platform Used to Attack Respondents Targeted by Hate Speech

As illustrated in Figure 11, social media is the most frequently reported platform for spreading hate speech. Among the respondents who indicated they had been targeted by hate speech, 43 per cent experienced it on social media or other internet platforms, 14 per cent at the workplace, and 11 per cent at political rallies.

The results of the targeted survey are similar. When asked to identify the platforms where they encounter hate speech, social media still occupied the top spot: 100 per cent of CSOs, and 71 per cent of government respondents reported encountering hate speech on social media. Political rallies are reported to be the most common platform for hate speech after social media, with 50 per cent of CSOs and 43 per cent of Government respondents.

3.2.5 Perpetrators of Hate Speech

Respondents to both the self-administered online questionnaire and targeted survey were asked to select and rank the primary perpetrators of hate speech. The combined results indicate that nine categories of perpetrators were identified, with politicians topping the list.

As illustrated in Figure 12, of 102 individuals who responded to this particular question, the majority (87 per cent) ranked political figureheads as the primary perpetrators of hate speech. Party supporters came second, ranked as such by 64 per cent of the respondents, followed by social media influencers (48 per cent), religious leaders (35 per cent), journalists (11 per cent), ordinary citizens (9 per cent), youth (4 per cent), others (3 per cent) and diaspora (2 per cent). This finding is supported by other research works as the literature reviewed suggests that hate speech is intensified during the election period.

It must however be noted that data collection on hate speech is found to be more consistent during election periods. The targeted survey (see Figure 13) offers a bit more insight, revealing that the perception of politicians as the biggest perpetrators of hate speech is shared across different sectors, including among government officials.

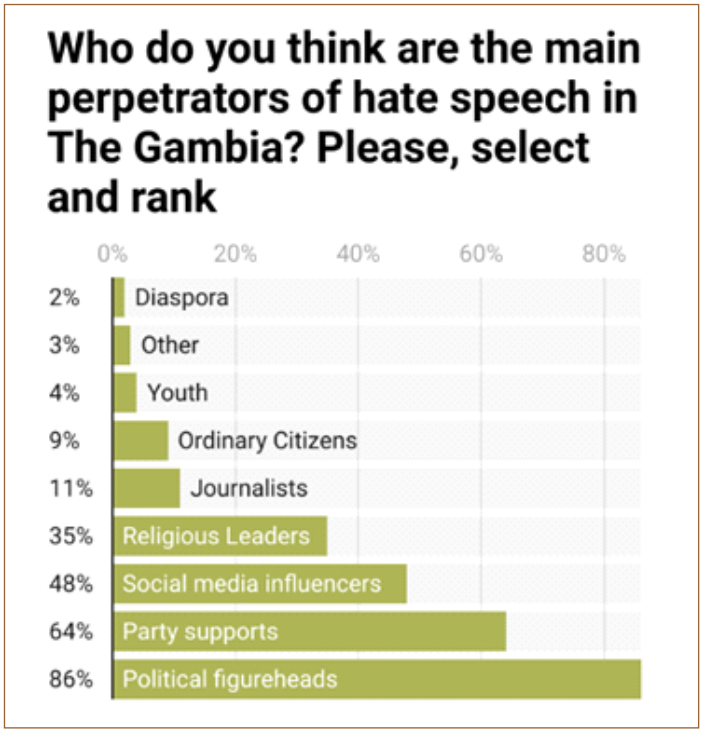

Figure 12 Perception of Perpetrators of Hate Speech

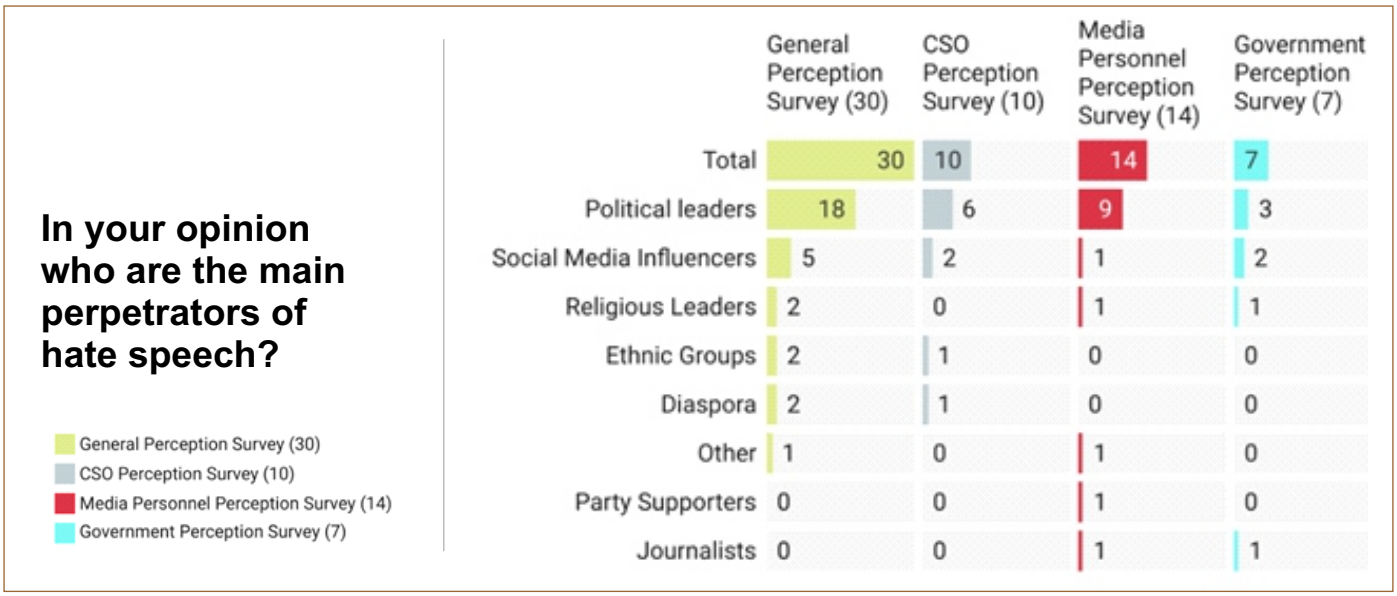

Figure 13 Sectoral Perspective on the Perpetrators of Hate Speech

3.2.6 Targets of Hate Speech

In the self-administered online survey, the respondents who reported to have been targeted for hate speech were asked to describe why they were targeted.

As illustrated in Figure 14, at least 31 per cent of the respondents identified political views as the reason they were targeted by hate speech, followed by ethnicity 28 per cent, religious beliefs (20 per cent), sex (11 per cent), I don't know (11 per cent), race (8 per cent), sexual orientation (8 per cent), age (6 per cent), marital status (5 per cent), appearance (5 per cent), poverty (2 per cent), and activism (2 per cent).

The findings highlight several key patterns and the multifaceted nature of hate speech in The Gambia. The data suggests that political, ethnic, and religious groups are particularly vulnerable to hate speech. Gender, race, and sexual orientation also play significant roles but to a lesser extent.

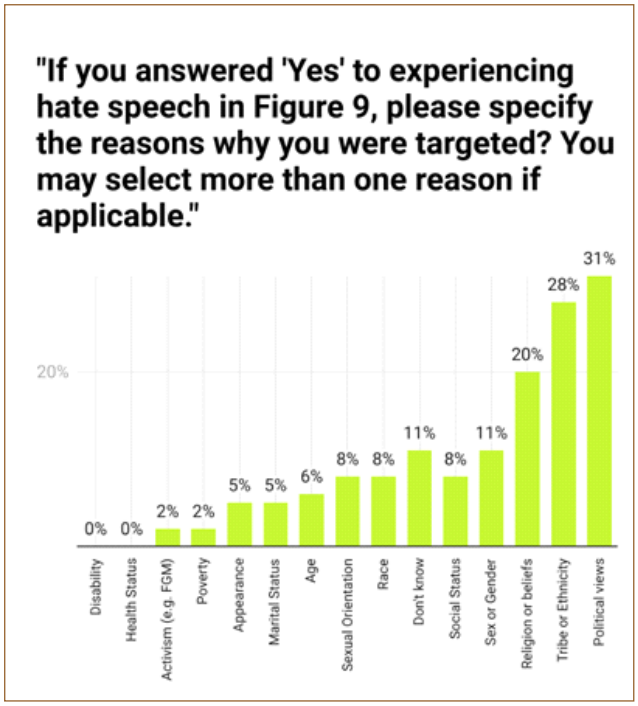

Figure 14 Perception of Targets of Hate Speech

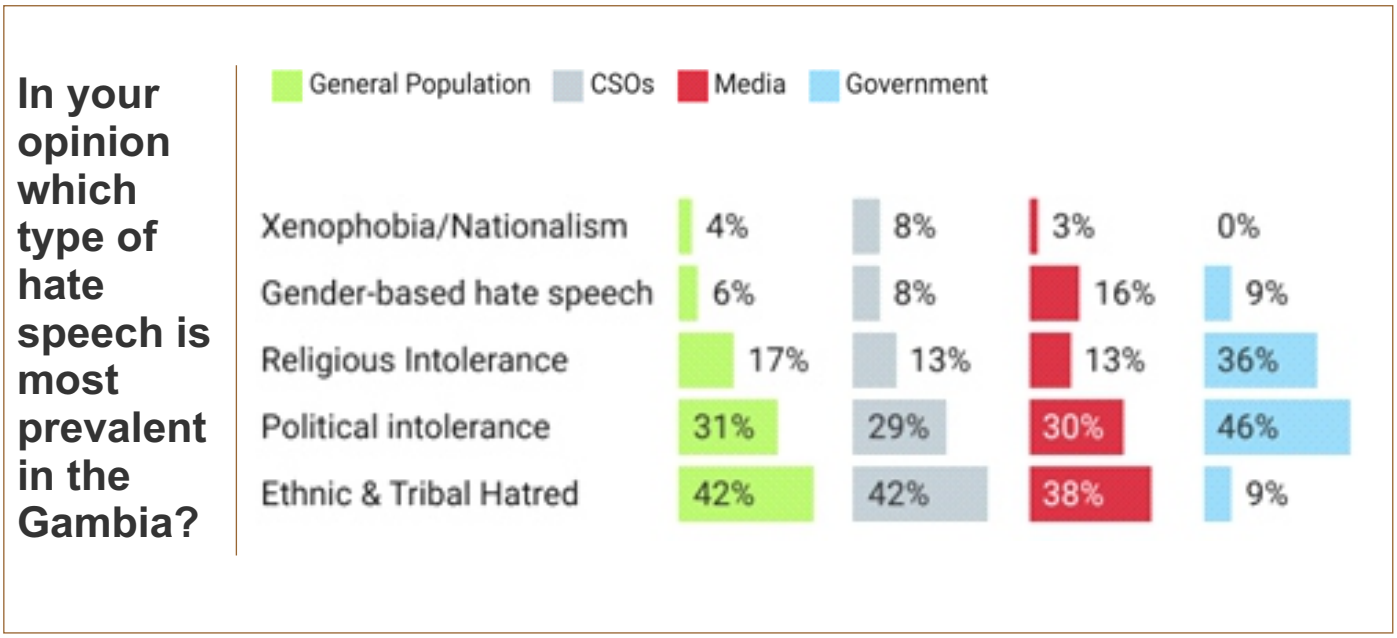

Figure 15 Sectoral perspective on Most Prevalent Type of Hate Speech

The results changed only slightly in the targeted survey (see Figure 15), where respondents were asked to identify the type of hate-based narratives they saw as most prevalent. Tribal hatred topped the list, with 42 per cent of CSOs, 42 per cent of the general public, and 38 per cent of media respondents ranking it as the most prevalent. Only government respondents ranked tribal hatred lower (9 per cent) and gave a higher ranking to political intolerance, which was ranked second by all other groups.

This finding underscores the strong connection between ethnic-based speech and political contestations.

a. Political Based Hate Speech

The classification of political-based hate speech remains contentious due to the broad latitude allowed in political discourse and debates. The literature reviewed shows that hate speech is more prevalent during election periods. A significant number of hateful comments made in the context of elections are based on other forms of hateful narratives, including ethnicity, migration status, gender, and religion. This finding suggests that political hate speech frequently overlaps or amplifies underlying prejudices.

While former President Yahya Jammeh's ethnic-based derogatory attacks and threats are notable examples[38], the prevalence of hate speech has become quite pronounced during the transition from autocratic rule to democracy. Some scholars still attribute this to the legacy of the authoritarian regime's repression and limited freedom of expression.

However, that explanation only covers part of the issue. The intense rivalry between the ruling NPP and the main opposition UDP has created a politically charged environment rife with hateful rhetoric.

The leaders of both parties have not only made hateful comments but also allowed their campaign platforms to be used by party executive members, allied party members, and supporters to perpetrate hate speech with impunity[39].

b. Ethnic Based Hate Speech

Among the various ethnic groups identified, Mandinkas are perceived to be the most targeted by hate speech. The findings of this survey present a curious case as it suggests that majority ethnic groups, rather than minority ethnic groups, are believed to face more hate speech incidents.

Figure 16 shows that the majority of the respondents (36 per cent) believe that the Mandinka tribe, the majority ethnic group in The Gambia, are the most targeted by hate speech, followed by Fula (26 per cent), Jola (22 per cent), Wolof (7 per cent), Manjago (7 per cent) and Balanta (2 per cent).

This finding contrasts with the conventional view that minority groups suffer more from hate

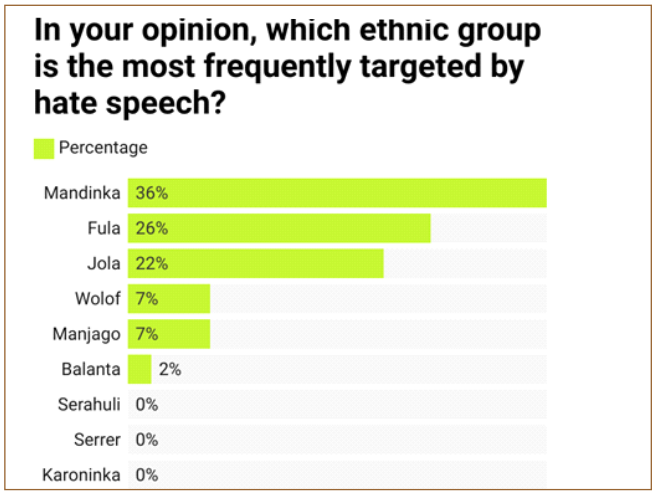

Figure 16 Perception of Ethnic Group Most Targeted by Hate Speech

speech[40]. The literature reviewed supports the findings of the survey, and further reveals that such positions are not uncommon, particularly in contexts such as The Gambia where identity politics is predominant[41].

The Gambian society is deeply entrenched in tribal affiliations and identities, which often lead to the stereotyping of different groups[42] and literature findings indicate that ethnic groups that were not identified by the survey, such as Serahule and Serer have been targeted by hate speech.

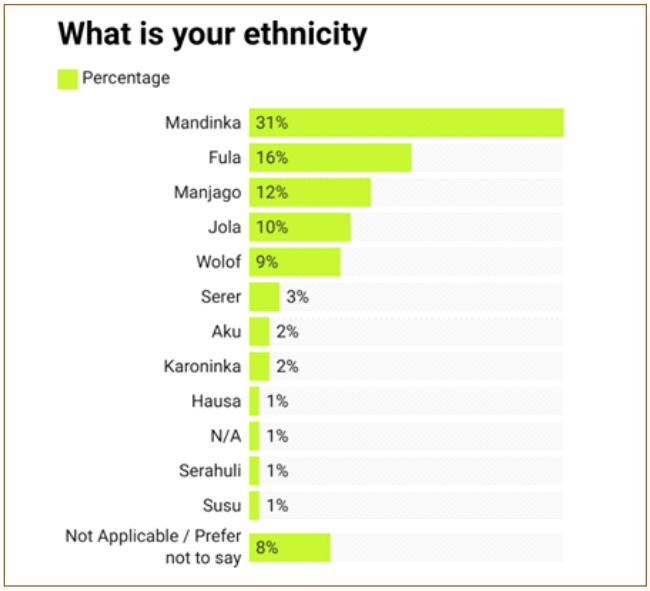

Figure 17 Ethnic Composition of Survey Respondents

Further, as illustrated in Figure 17, it must be noted that the Mandinkas constituted the majority of the respondents (31 per cent), followed by Fula 16 per cent, Manjago 12 per cent, Jola 10 per cent, and Wolof 9 per cent.

Scapegoating is a common type of hate narrative with regards to ethnic-based hate speech. For example, specific ethnic groups are blamed for economic hardships whilst others are blamed for political instability.

Conspiracy theories are also prevalent. Narratives portray specific ethnic groups as plotting against each other or as being mistreated and discriminated against.

> ***"Something is happening in this country. It is we the Fulas that are suffering the most. If you go look for an ID Card, and you are fair in complexion, they'd say you're Guinean. They would not do that to a Mandinka from Kolda, a Wollof from Senegal, or a Serahule from Mali. It should end and you know what will make it end? [Fulas], give your votes to Adama Barrow to become president. But these rats that are moving about, if you give your votes to them, you will suffer and all of us will suffer.***[43]

The quote above, attributed to a current Government Minister, insinuates that there is a deliberate and systematic bias against the Fula people. The speaker used the term rats, a derogatory language, to describe opponents, manipulate political support and engenders an "Us versus Them" mentality.

> ***"If you speak Karoninka, they will say you are not Gambia…if you are Mandinka and speak Mandinka, they say you're a son of Gambia. Fulas, Jolas, Serers, and Karoninkas, you have a responsibility on your head. If we lose President Barrow, we will find ourselves in such an unpleasant situation. Everybody who is not Mandinka, if you lose President Barrow, you will carry your belongings and leave this country.***[44]

The comments above, attributed to a close aide of the President, is a classic tactic where threats of negative outcomes are used for political manipulation and to influence actions based on ethnic lines. Exclusion narratives also exist, depicting minorities as outsiders who do not belong to the national or cultural identity of the country.

> ***"The No-To-Alliance people believe that Talib is a good, respectful, and honourable man and they intend to vote for him. They are only doing it because of the hate they have for Fabakary Tombong Jatta. Talib Bensouda is among those who created the #GambiaHasDecided. He is such a bad rat. He is worse than a rat. He's a hypocrite and a hater of [Yahya] Jammeh. No-To-Alliance people, don't empower your enemies because if you do, what they will do to you we will all see it. Please, do not do this.***

> ***"Bakary Badjie is a Jola. All the KMC natives, people of Kombo, and the Gambian citizens have all shown support for him and it is only his relatives from Jola ethnicity who are refusing to support him just because of the hate you have for Fabakary Tombong Jatta. You want to empower that 'sula ganarr' [a derogatory term used to refer to people from North Africa] who came from Lebanon or I don't know where his blood appeared in the Gambia is the one you guys want to vote for.***[45]

Some of the highlighted ethnic-based hate speech dehumanised the target groups, using terms to evoke hatred.

Caste-based hate speech, a sub-theme under ethnic-based hate speech, targets individuals based

on their caste. The literature review finds it to be prevalent in various communities in the country. Caste-based hate speech has been an institutionalised, normalised aspect of social hierarchies but such norms are being challenged by significant changes in society.

In a 2022 National Human Rights Commission Study on Caste and Descent-based Discrimination in The Gambia, it was found that in nearly half a dozen communities, people from lower castes are verbally abused, publicly humiliated, and denied exercise of their fundamental human rights.

The persistence of caste-based and descent-based discrimination in The Gambia reveals a complex interplay of historical, social, and cultural factors that continue to marginalise certain groups. The lack of effective legislation or enforcement means that many perpetrators of caste-based violence and discrimination operate with impunity.

c. Religion-Based Hate Speech

The online survey findings appear to reflect the underlying religious tensions in the country, especially the longstanding controversy between Sunni Muslims and Ahmadis, a minority sect within the broader Muslim population in the country. The data also suggests that the some adherents of the two major religions in the country, Islam and Christianity, frequently direct or use hate speech against each other. .

The majority of the respondents (31 per cent) believe that Ahmadi Muslims are the most targeted group, with Sunni Muslims and Christians perceived as equally targeted, each at 25 per cent.

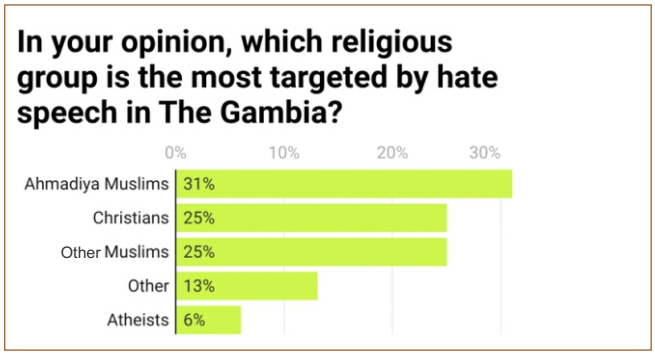

Figure 18 Religious Group Most Targeted by Hate Speech

This finding, as captured in Figure 18, is largely supported by literature, which documents consistent attacks on Ahmadi Muslims, especially by Sunni Muslim clerics[46].

Prominent religious leaders and community figures have publicly declared Ahmadi Muslims to be non-Muslims, openly calling for their social and economic exclusion, and expulsion from the country. For example, as shown below, a prominent Imam has made provocative remarks against the Ahmadi Muslims, branding them as enemies of Islam. His statements have been widely circulated and supported by other religious figures.[47]

> ***"Ahmadis are troublesome people. People become rude when they accept this religion and that is why all of you should prepare for them because only Allah knows what comes next. You should train yourselves in Kung Fu and judo skills and many other skills because only God knows how this will end. All the imams should learn these skills and I am ready to take the challenge."***

The Ndigal Sect in The Gambia faces significant verbal abuse and physical threats, largely driven by misconceptions about their religious practices. These actions contribute to increased social tension and discrimination against members of the Sect. Followers of the Ndigal Sect have reported instances of verbal abuse, including derogatory remarks and threats of violence[48] In 2009, the members of the Sect in Kerr Mott Ali in the Central River Region were expelled from the community, after a series of persecution, and sought refuge in Senegal.[49] Both the court[50] and the TRRC Report have recommended their return to their original residency. Dehumanising is a common narrative with regard to religion-based hate speech. Ahmadi Muslims and the members of the Ndigal sect are often cast as harmful to society, and justifying, in some instances, inciting of violence against them. Debates over the wearing of veils in Christian schools have also led to hate speech against both Christian institutions and Muslims, further exacerbating religious tensions.[51]

d. Migrant/Immigrant-Based Hate Speech

Hate speech based on migrant status or nationality has been documented in media monitoring reports. While it is not as high as hate speech based on ethnicity or religion, it remains a notable issue. Often driven by socio-economic tensions, it affects a broad spectrum of non-Gambians living in the country. In the self-administered survey respondents were asked to identify the migrant group or nationalities who in their opinion are the most affected by hate speech.

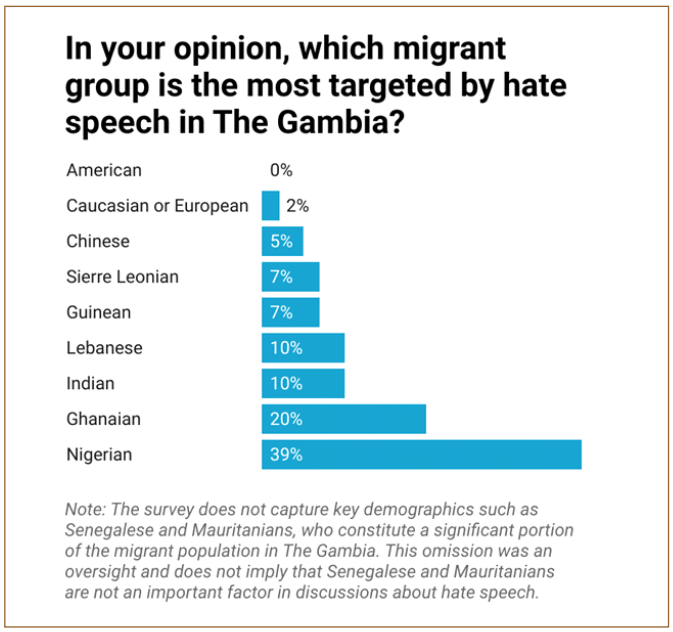

Figure 19 Perception of Migrant Group Most Targeted by Hate Speech

From a list of nine nationalities (see Figure 19), the majority (39 per cent) of the respondents believe that Nigerian nationals face the highest level of hate speech, followed by Ghanaians (20 per cent). Further down are Indians and Lebanese, each at 10 per cent, and Sierra Leoneans and Guineans, also each at 7 per cent.

Stereotypical media coverage fuels types of hate narratives that depict Nigerians as inherently criminal, bringing drugs and crime into communities while other immigrant/migrant groups are accused of taking jobs from the natives.

These repeated narratives fuel incitement and normalise biased/stereotypical viewpoints and expressions of dangerous nationalistic sentiments. Ghanaians are perceived to face considerable levels of hate speech, even though this research could not find any hate-based incidents targeting them. However, media monitoring reports have documented attacks against Lebanese and Guineans, mainly in the context of politics.

e. Gender-Based Hate Speech

While gender-based hate speech is not captured in media monitoring reports, findings of surveys, social media scanning, and key person interviews show that women, more especially, women's rights activists and female politicians, have been particularly targeted by hate speech.

The interviews conducted with some key female politicians prominently highlighted the pervasive issue of hate speech against women. Presidential aspirant Marie Sock and Rohey Malick Lowe, the Mayor of Banjul, shared their personal experiences as follows:

> ***"I have been targeted by hate speech, especially during elections, ranging from verbal abuse, slander, discrimination based on gender, and online harassment. I encountered hate speech mostly on social media.***
> - Marie Sock

> ***"I have been the biggest target of hate speech in The Gambia. When I expressed interest in running for mayoral in 2017, I became the subject of constant hate speech, ranging from verbal abuse, online harassment, slander, and even threats of violence. I am targeted because I am a woman. Hate speech was directed at me on social media, public events, the media, and even in my interactions. In the beginning, it was tough for me because the hate speech was not only directed at me but extended to my parents and family members, to the point that some of them admonished me to quit politics."*** -Rohey Malick Lowe

Besides politics, the debate in early 2024 over attempts to repeal the law banning FGM and sexual abuse cases involving high-profile individuals exemplifies how gender-based hate speech can escalate during a social crisis. The analysis of media publications shows that the media amplified hate speech narratives against women during these debates.

Gender-based hate speech against women often revolves around deeply ingrained societal stereotypes, patriarchal norms, and misogynistic attitudes. These narratives not only perpetuate discrimination but also incite violence and undermine gender equality. Examples of common hate narratives targeting women include:

- women are inferior to men, justifying and perpetuating exclusion from positions of power and influence
- women are evil or manipulative, justifying abuse and denial of justice even in instances of sexual violence
- women are objectified as sex objects, denying their full humanity.

3.2.7 Causes and Drivers of Hate Speech

Respondents to the self-administered survey have identified a range of socio-political, economic and cultural factors that drive the noticeable spread of hate speech in The Gambia.

Political rivalry emerges as the most dominant cause of hate speech, ranked as such by 74 per cent of the 86 respondents of the self-administered online survey (see Figure 20).

Ethnic intolerance has been placed second at 44 per cent, followed closely by religious intolerance (47 per cent).

The survey findings reinforce the complex interplay between partisan politics and ethnic divisions and confirm that politicians are the primary perpetrators of hate speech.

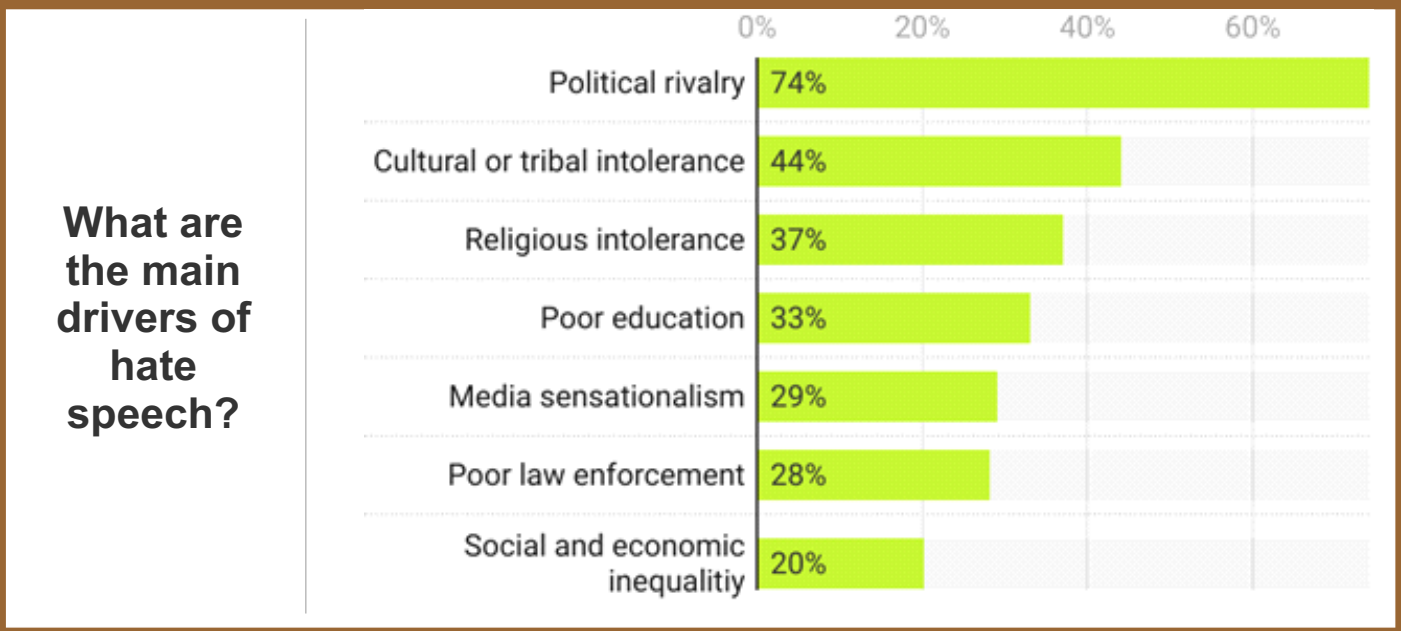

Figure 20 Perception of Main Drivers of Hate Speech

3.2.8 Impact of Hate Speech

In the targeted survey, it was found that respondents across different sectors recognise the impact of hate speech: CSOs (90 per cent), media (93 per cent), government (71 per cent), and the general public (80 per cent) believe that it contributes "significantly" to social division, discrimination and conflict in The Gambia (see Figure 21).

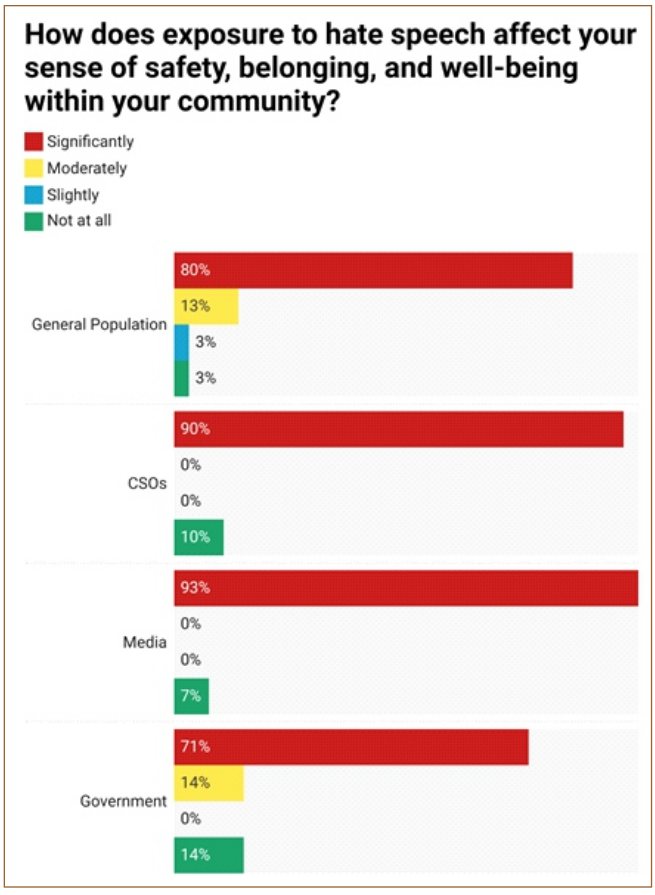

Figure 21 Perception of Impact of Hate Speech on Communities

Findings of the targeted surveys further revealed that at the individual level (see Figure 22), hate speech has such effects as insecurity and distrust: the general public (70 per cent), CSOs (60 per cent), media (69 per cent), and government (57 per cent).

Analysis of the targeted survey responses shows that 46 per cent highlighted concerns about the impact of hate speech on the mental health of victims. Some cited instances where hate speech had led to tribal tensions and strained community relations.

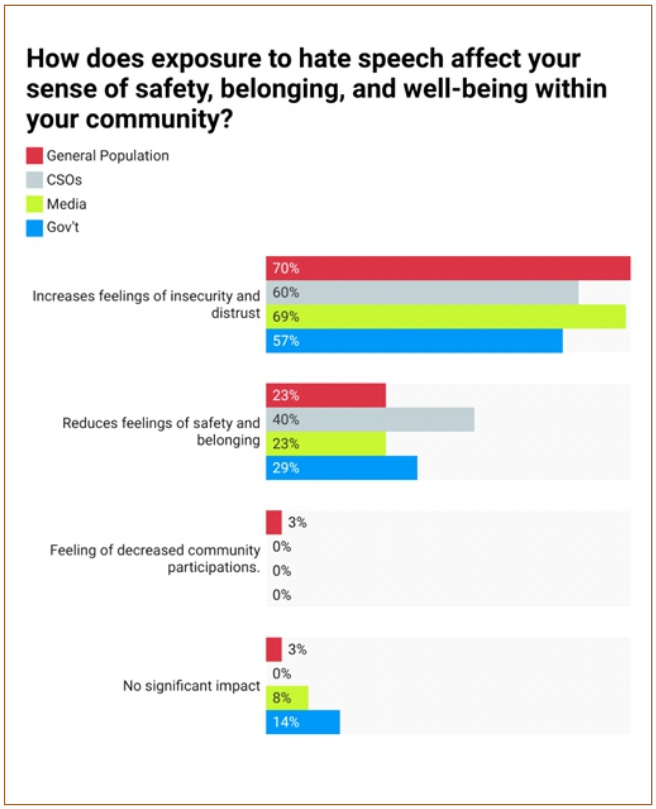

Figure 22 Perception of Impact of Hate Speech on Individuals

Literature findings indicate that hate speech has profound psychological and emotional effects on individuals. Victims often experience anxiety, depression, and a sense of insecurity. The constant exposure to derogatory remarks can lead to social withdrawal and reduced participation in community activities[52].

For instance, in a survey conducted by the Gambia Centre for Victims of Human Rights Violations (2022), 67 per cent of respondents reported feeling less secure in their daily lives due to hate speech. Groups targeted by hate speech, particularly ethnic and religious minorities, face heightened discrimination and social exclusion. Hate speech fosters an environment of intolerance and hostility, making it difficult for these groups to integrate into broader society[53]. The Ahmadiyya Muslim community, for example, has faced significant persecution, with religious leaders publicly denouncing them as non-believers, which exacerbates their marginalisation[54].

3.2.9 Strategies to Combat Hate Speech

a. The Role of the Government

The role of the Government in the fight against hate speech is widely recognised by survey respondents. Responses to both the online and targeted surveys show support for various measures to be taken by the government, although the perceptions vary from the different groups – CSOs, government, media, and public respondents.

As illustrated in Figure 23, 86 and 71 per cent believe that effective monitoring and enforcement of regulations respectively are necessary.

86 per cent of the respondents emphasised the importance of education and awareness programmes to address the issue. Collaboration between CSOs and the Government was considered to be crucial, cited by 71 per cent of the respondents.

Crucially, only 1 per cent of public respondents believed that the Government should play a role in defending ethnic minorities. CSOs, media, and government respondents do not share this view.

Analysis of the survey responses indicates that the respondents want the government to enhance enforcement mechanisms while fostering collaboration to leverage collective expertise and putting in place preventative measures, such as education and awareness

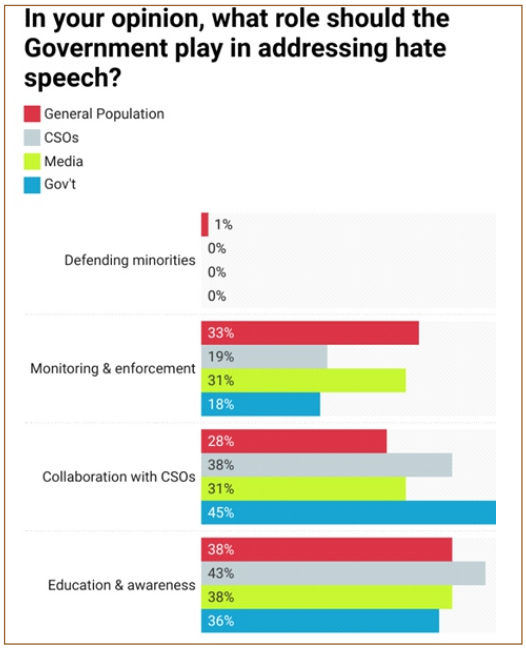

Figure 23 Perception on the Role of the Government in Addressing Hate Speech

b. Implementation of the Law

Respondents in both the online and targeted surveys showed their strong support for the implementation of laws to address hate speech. Interestingly, there is no opposition even from the media and CSOs regarding the implementation of hate speech laws.

As illustrated in Figure 24, 97 per cent of the public, 90 per cent of the CSOs, 86 per cent of the media, and 71 per cent of the Government respondents 'strongly support' the implementation of laws addressing hate speech.

This high level of support gives a strong mandate to the policymakers to prioritise the development of hate speech laws. The push for the establishment of legislative efforts could be influenced by the noticeable 'alarming' increase in the rate of hate speech in the country.

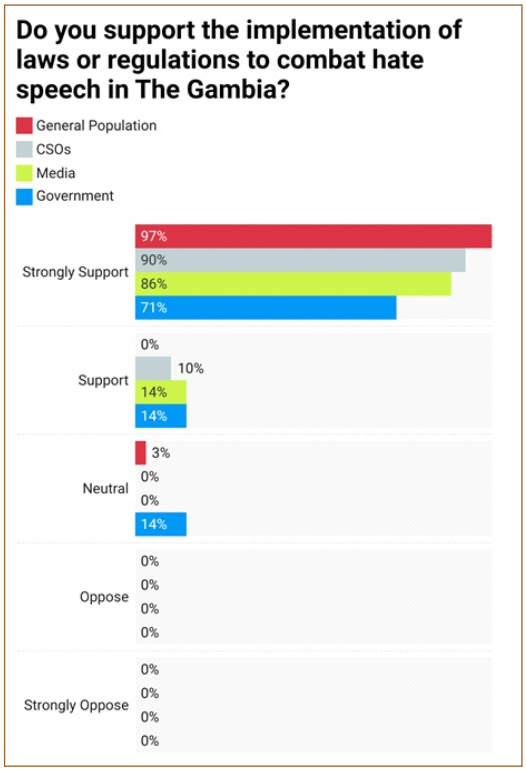

Figure 24 Support for Law on Hate Speech

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Part III

3.3 Media and Hate Speech

In this research, "media" refers to the array of communication channels and tools employed to store and transmit information or data to the public. This includes print, radio, TV and online platforms and institutions dedicated to the production and dissemination of news and information.

3.3.1 Methodology

The media was targeted as a specific group, with a specific questionnaire administered to journalists. The methodology included a desk review, a focus group discussion, a structured questionnaire, and an analysis of content to gain qualitative and quantitative insights into the complexities of hate speech dynamics from the perspective of the media.

Nine (9) key media personnel participated in the Focus Group Discussion (FGD). The FGD included renowned reporters, editors, media chiefs, and freelancers from Kerr Fatou, The Point, Mengbe Kering & Home Digital FM, The Voice, Taranga FM, Star FM & TV, and The Republic. The key themes discussed included the concept and prevalence of hate speech as well as the role of the media.

The structured questionnaire was administered to 14 media personnel to further gauge the awareness of the media on hate speech, as well as their attitudes, experiences, and practices. In total, 23 media personnel were engaged for this section of the research - 14 through an online structured questionnaire and 9 through Focus Group Discussions.

The content analysis exercise investigated the prevalence and nature of hateful content published by the media, utilising both qualitative and quantitative analyses of posts on platforms such as Facebook, YouTube, and selected websites. Metrics such as likes, views, shares, comments, and reactions were collected and analysed. The media sites reviewed for hate speech included print, social media, and online media. The social media sites and online media platforms reviewed had a combined total of over 1.4 million subscribers between them.

Defining Media

In this research, "media" refers to the array of communication channels and tools employed to store and transmit information or data to the public. This includes print, radio, TV, online platforms and institutions dedicated to the production and dissemination of news and information.

3.3.2 A brief Overview of Media in The Gambia

The Gambian media landscape has undergone significant transformation in recent years, marked by a vibrant shift towards greater freedom and plurality in the ongoing democratic transition after the end of the dictatorship in 2017.

There has been an increase, if not a proliferation, across different types of media, and the country has been making significant progress in terms of press freedom, save the slight drop in ranking in 2024.

The expansion of the media space, supported by improvements in the political, legal, and economic environments, as evidenced by various rankings, suggests a more dynamic media landscape, characterised by pluralism and improvements in terms of access to information and representation of a wide range of viewpoints in the public discourse.

New opportunities for reform and innovation have emerged, driven by the increasing penetration of digital technology, which has democratised information dissemination and expanded public discourse.

However, the growth in the media sector has further complicated some of the existing challenges and created new ones, especially in terms of limited resources, inadequate levels of skills, capacity and oversight, political pressures, and ineffective policy, legal and technological environment[55].

For example, while digital technology has facilitated broader participation in public affairs it has amplified the spread of hate speech and misinformation[56]. This duality underscores the critical need for robust regulatory frameworks and media literacy programmes to mitigate the negative impacts of digital media while maximising its benefits.

3.3.3 The Role of Media, A Paradox

Journalists are confronted with a challenging dilemma in dealing with hate speech: to publish or not to publish. Freedom of expression is a fundamental human right. Publishing hateful content risks amplifying bigotry and reinforcing harmful stereotypes or even inciting violence. Withholding content can lead to censorship and depriving the public of the opportunity to make informed decisions about what is acceptable or unacceptable.

Research findings suggest that this delicate balance between the media's responsibility to inform and the ethical imperative to avoid harm is generally recognised by journalists in The Gambia even though they often struggle to navigate the intricacies.

Responses from the media practitioners surveyed show that 100 per cent of the respondents (14 in total) have a fair level of understanding of hate speech. This is supported by the findings from the Focus Group Discussions where the constitutive elements of hate speech came out clearly when participants were prompted to define hate speech and describe its various manifestations and motivations.

Participants in the Focus Group Discussions emphasised the pivotal role of the mainstream media in countering misinformation and hate speech. They advocated for increased public interest journalism and collaboration between media houses and fact-checking organisations to combat divisive rhetoric and misinformation. For some FGD participants, the options are either to not publish or get counter-narratives published to give the audience a balanced view.

Participants underscored the responsibility of media outlets in regulating hate speech and also highlighted the need for stricter controls on live programming and comment sections of online media platforms if necessary.

The role of the media in shaping public discourse and societal attitudes towards hate speech was acknowledged, with an emphasis on promoting responsible journalism and ethical reporting practices.

The participants emphasised the need for media outlets to take a proactive stance against hate speech, including the implementation of editorial policies and audience engagement strategies.

3.3.4 Prevalence of Hate Speech from the Perspective Media

The literature reviewed indicates that hate speech incidents are prevalent in the media across all types - online, TV, radio, and print. Analysis of articles countering hate speech incidents reveals an increase in hate speech in the media, peaking in 2021 due to the presidential election.

Figure 25 shows that 22 and 23 per cent of hate speech incidents flagged and countered by media monitoring reports occurred in 2020 and 2021, respectively.

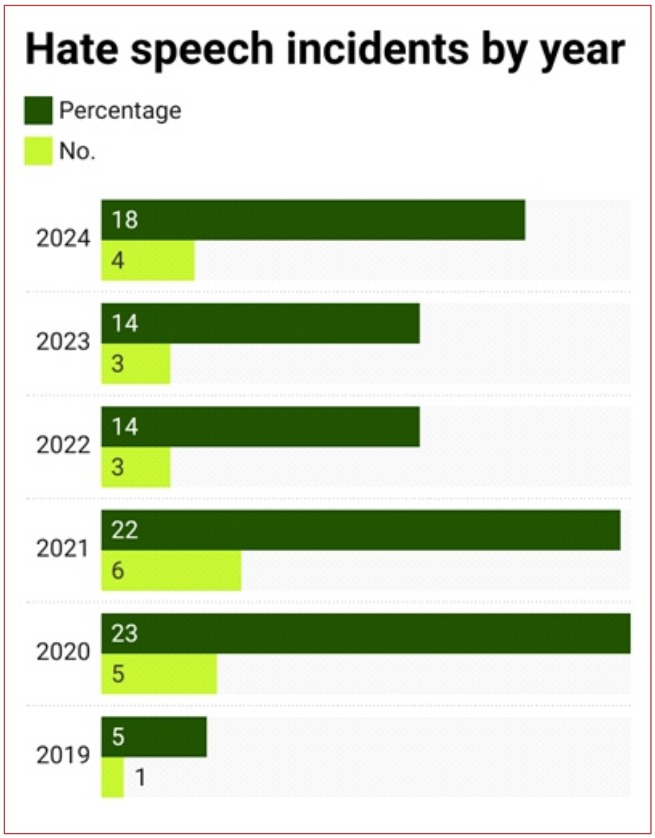

Figure 25 Hate Speech Incidents Flagged by Media Monitoring Reports

The diagram shows that hate speech incidents

declined in 2022 and 2023, but have been surging again in 2024 in the face of increasing political tensions as the 2026 presidential election approaches. The lowest recorded incidence of hate speech occurred in 2019 when fact-checking organisations started tracking and countering incidents.

However, it should be noted that the presence of hate speech in the media does not present the full picture as fact-checking platforms counter 'viral incidents' and media monitoring activities are most active during the election period. The hate speech incidents and articles that counter them gain significant public attention, compared to other articles, including investigative reports.

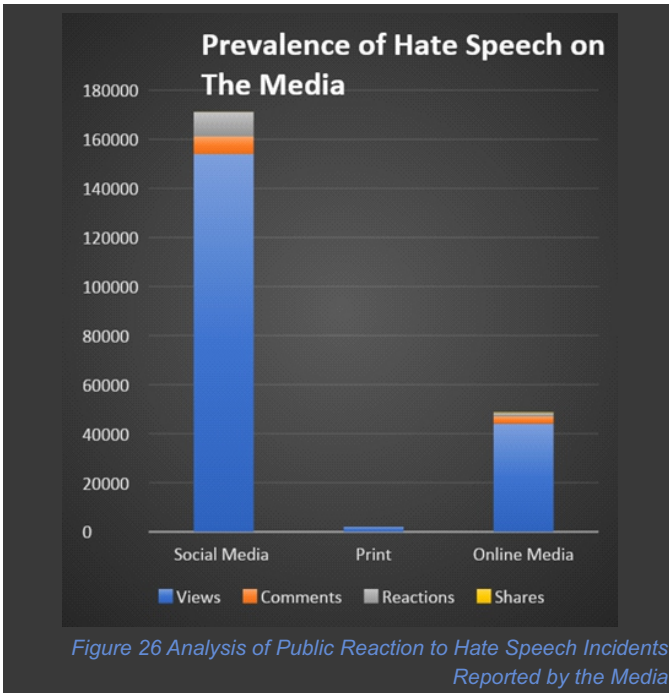

Figure 26 Analysis of Public Reaction to Hate Speech Incidents Reported by the Media

As illustrated in Figure 26, the visualisation of social media interactions to hate speech incidents in The Gambia across various platforms includes data on views, comments, and reactions for different posts, highlighting the level of engagement and the prevalence of hate speech-related content. The data highlights significant engagement with posts related to hate speech between 2019 and 2024.

This trend suggests that social media platforms in The Gambia are increasingly becoming spaces where hate speech is both disseminated and engaged with by the public. This is supported by survey findings as the majority of respondents identify social media as the platform where hate speech is prevalent the most.

Respondents in the media survey and participants in the FDG reported encountering hate speech regularly, particularly on social media platforms, mostly in response to political stories or speeches by political leaders.

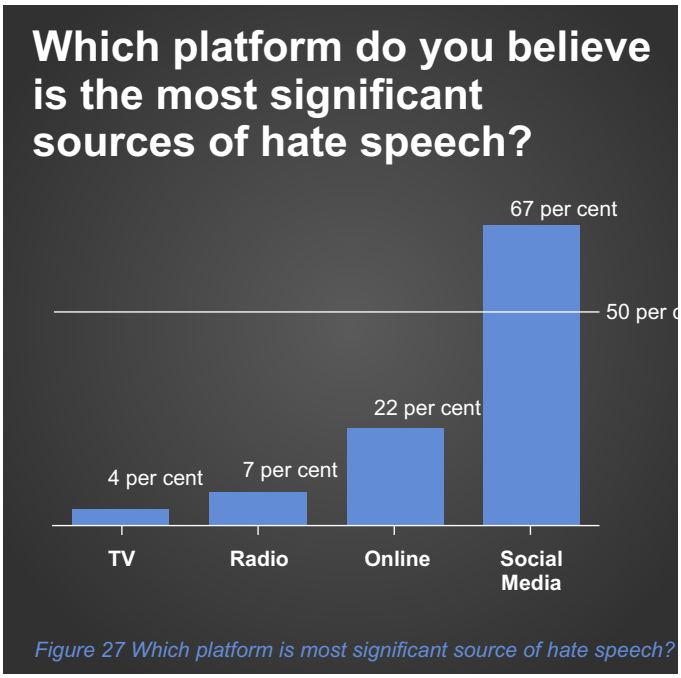

Figure 27 Which platform is most significant source of hate speech?

Findings from the targeted survey (see Figure 27) confirm that social media is by far the most dominant media platform for hate speech, compared to print (newspapers and magazines) radio, TV, and online (websites and blogs).

The Focus Group Discussion around the social media comments section reveals several key points and concerns, including significant challenges in regulating hate speech on social media.

While platforms like Facebook have mechanisms to hide harmful comments, this is not always effective when the hate speech is written in a local language that the platform's algorithms do not recognise.

Moreover, the volume and speed of comments, and the lack of human resources also make it difficult for effective manual moderation. Automated systems can miss context-sensitive issues, leading to either under-regulation or over-censorship. Additionally, media content - style, tone, language, etc - influences the tone and content

CASE STUDIES

Case Study 1

– **Insights on hateful comments by a prominent supporter of a particular political party**

"Here in The Gambia, Fulas, Jolas, Serahules we were born here but since God created the Earth, a Lebanese has not been born in the Gambia. Bensouda is a Lebanese, let us tell each other the truth. Lebanese are not Gambians..."[57]

This hate speech was made at a political rally by a supporter of a prominent political party. The video clip, published by WhatsonGambia, attracted 58,000 views, 1,600 comments, and 1,400 reactions. This reflects a substantial reaction by the standards of the popular online media platform. However, an analysis of the reactions reveals disturbing details: despite the incendiary nature of the remarks, only 436 reactions conveyed sadness or anger while the vast majority of reactions were emojis of Likes, Loves, Laughs, and Surprises. The disparity between the reactions that showed disapproval of the comment and the reactions that showed approval and neutrality reflect an unsettling tolerance or even endorsement of such divisive rhetoric and expose the underlying currents of social and political sentiments in The Gambia.

Crucially, the viral spread of such content invites questions about the role of media platforms in addressing hate speech even when the intention is to name and shame the perpetrator.

Both survey and literature findings suggest that journalists are sometimes reluctant to appropriately address or handle hate speech incidents where if they align with their own biases or prejudices.

Case Study 2

– ***Marie Sock Comes Under Attack***

In June 2020, Gambia News published an article about Marie Sock, an aspiring candidate for the 2021 presidential elections. The article[58] garnered significant attention and led to a wave of hateful comments at Mrs Sock, primarily due to her gender. The comments represent a mix of sexism, homophobia, xenophobia, and misogyny, and the media entity did not make any efforts to address the comments.

3.3.5 Media Perspective on the Perpetrators of Hate Speech

The findings of the content analysis reveal that hate speech peaked during the 2021 – 2023 election period. This is supported by the findings of both the survey (structured questionnaire) and focus group discussions among media professionals who ranked politicians as the biggest perpetrators of hate speech. A participant said:

> ***"I was listening to one of the local radio stations. During the phone-in, someone called to attack Mandinkas who opposed the NPP. Another called and labelled people who do not support UDP as bad Gambians and should be eradicated in the country. Then, another person called to say all Jolas who support Yahya Jammeh are bad people."***

A majority of respondents (71 per cent) reported that they have witnessed politicians deliberately use hate speech to influence and manipulate voter sentiment and exploit ethnic divisions while 64 per cent cited examples where politicians spread misinformation to incite hatred towards certain communities.

The role of religious leaders might not come out strongly in the survey as only 7 per cent of respondents believed that religious leaders are the biggest perpetrators of hate speech. During the Focus Group Discussions, religious leaders were described as 'potent and active players' who perpetuate hate speech, particularly against minority sects such as Ahmadi Muslims, Shia Muslims, and activists advocating for the eradication of FGM. A participant said:

> ***"There are certain well known Islamic scholars who are constantly spreading hate speech against the Christian community under the guise of preaching their religion. Their hateful comments are often relayed on radio and published on print media unfiltered."***

3.3.6 Media Perspective on Targets of Hate Speech

The findings of the literature review, the survey, and the Focus Group Discussions reveal a diverse array of targets of hate speech in media publications, including ethnic groups, religious groups, non-Gambians, women, sexual minorities, and political groups.

During the FGD, participants cited numerous instances of hate speech, primarily from politicians and religious leaders. Participants noted instances where political rhetoric targeted specific ethnic groups, particularly during political tensions and the past election cycle.

3.3.7 Best Practices in Countering Hate Speech in the Media

While hate speech content is prevalent in the media, analysis of media practices indicates some examples of good media practices in countering hate speech. Some of these were highlighted and discussed in the Focus Group Discussions. They included instances of proactive content moderation, educative reporting, effective programming on radio, and collaboration between fact-checkers and media organisations.

Case Study 1

- **Kerr Fatou's Response to Hate Speech**

  At a GDC political rally in November 2021, former President Jammeh in an audio message made hateful comments directed at President Barrow. The event was covered live by many media houses, including Kerr Fatou. However, shortly after the event, Kerr Fatou took the following corrective measures:

  - Deleted the content
  - Announced suspension of coverage of Jammeh's speeches
  - Issued a public apology

  The conduct of Kerr Fatou exemplifies good media practices in handling hate speech. The response was swift and comprehensive and showed accountability even though a better approach would have been not to censor outright or place a suspension, but to address it with responsible commentary by contextualising and critiquing the harmful content. This approach upholds the principles of freedom of speech while actively challenging and mitigating the impact of hate speech.

Case Study 2

– **Countering Hate Speech Initiative by Malagen and Collaboration with Factcheck Gambia**

  Ahead of the 2021 presidential election, Malagen, an investigative medium, integrated hate speech monitoring into its fact-checking programme. Through this programme, which is supported by UNESCO, the outfit monitored campaign rallies, social media sites, and mainstream media to track and counter hate narratives. The articles produced through this initiative were not only picked up by other media platforms but also amplified through collaboration with Factcheck Gambia. The reports captured the hateful content, provided relevant context, and explained why it was flagged as hate speech.

  Malagen's initiative exemplifies responsible journalism, recognising the relationship between hate speech and disinformation and fostering collaboration in the process.

3.3.8 Challenges to Addressing Hate Speech in the Media

Findings of the FGD and literature review indicate that the media is faced with numerous challenges, affecting their ability to effectively handle hate speech.

a. Technological Issues

Live programmes on radio, TV, or online present challenges for media platforms that do not have the technical capacity to delay the broadcast of a hate speech. Mainstream media platforms cannot use fact-checking tools to verify hateful disinformation.

b. Capacity Issues

FGD participants identified capacity challenges as a major issue in addressing hate speech, and there was unanimity on the need for more training on how to address hate speech.

> ***"I think media houses should establish investigative and fact-checking desks who would filter content before dissemination." FGD Participant.***

Another FGD participant suggested the following strategy: ***"Collaboration among media outlets with organisations like Fact-Check Gambia would be necessary to enhance media literacy and combat hate speech".***

c. Political Influence

The FGD participants raised concerns about political and financial influence on media production, alleging that some media outlets and individuals receive financial backing from political entities. This financial support is purportedly used to promote specific agendas, including the dissemination of propaganda and misinformation during elections via online platforms. They also highlighted the prevalent use of social media disinformation tools and strategies during the 2021 presidential election.

> ***"There were Twitter accounts that were all opened in June 2021 and now they have been there for a long time. You know this because you see accounts that are retweeting each other. You see the date the account was opened, and you see the profiles and the profiles are not persons, they are flowers." FGD participant.***

d. Journalists as Victims of Hate Speech

Participants in the Focus Group Discussions indicated that individual journalists and media houses become targets of hate speech in the course of their work, constantly facing discriminatory attacks and incitement to violence.

e. Ethical Dilemmas

The FGD participants discussed the ethical dilemma faced by the media in balancing freedom of expression with responsible reporting, especially when addressing sensitive issues like hate speech. They highlighted the need for media practitioners to prioritise factual reporting over opinion-based narratives to minimise the dissemination of prejudiced or divisive content. The participants discussed several scenarios where editorial decision-making can be tricky:

> ***Reporting on inflammatory statements made by public figures can inform the public but also risk spreading those harmful views. Criticising a political ideology or religious belief might be seen as valid commentary by some but as hate speech by others.***

3.3.9 Media Regulatory Environment

While mainstream media content typically undergoes checks before publication, social media presents a different challenge due to its democratised and liberalised nature. Findings of the literature review and FGD indicate the absence of effective regulation to address hate speech in the media.

In terms of social media moderation, the media in established democracies typically have robust systems in place for dealing with hate speech, including well-defined editorial policies, dedicated moderation teams, and advanced automated tools. These measures are supported by strong regulatory frameworks and the resources necessary to implement them effectively.

For example, the British Broadcasting Corporation (BBC) and New York Times employ a combination of human moderators and Artificial Intelligence AI tools to ensure that hate speech is promptly addressed, thereby maintaining a safe and respectful online environment[59].

In contrast, however, Gambian media outlets face significant challenges in moderating hate speech due to limited resources and a lack of comprehensive regulatory and editorial frameworks. While there are ethical guidelines developed by the Gambia Press Union (GPU) for the media, these are often voluntary and poorly enforced, leading to inconsistent handling of hate speech. This disparity highlights the need for stronger institutional support and resource allocation in the Gambian media sector to ensure responsible reporting.

There are bodies responsible for regulating the media industry.The Public Utilities Regulatory Authority (PURA), for instance, is a Government agency responsible for regulating broadcast media. The Media Council of the Gambia set up by the Gambia Press Union in 2018 is a self-regulatory mechanism for the media industry. However, the impact of these institutions is limited as they do not have the required equipment to monitor media programmess and enforcement mechanisms in case of infringements.

Chapter 3.3 References

55 Freedom House, 2022. Freedom in the World 2022: The Gambia. Available at: https://freedomhouse.org/country/gambia/freedom-world/2022 [Accessed: 24 May 2024].

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58 GambiaNews, 2021. Presidential Aspirant Marie – I Get Full Support from Men. Available at Gambia News - An entrepreneur, Ms. Marie came under attack... | Facebook.

59 New York Times, 2023. Comments and Moderation. Available at: https://www.nytimes.com/interactive/2017/admin/moderation.html [Accessed: 24 May 2024].

Part IV

3.4 Legal Framework on Hate Speech in The Gambia

The need to bring The Gambia's legal framework in line with international standards regarding hate speech is evident in recent legislative efforts, such as the 2020 Draft Constitution, Criminal Offences Bill 2022, and Cyber Crime Bill 2023, each of which addresses hate speech and incitement in their respective contexts.

3.4.1 Methodology

In this Section, Key Informant interviews were conducted, targeting professionals in the legal field, including the Judiciary, in The Gambia. A total of 14 informants were engaged, 4 female (29 per cent) and 10 male (71 per cent). 11 of the respondents are above 35 years of age, representing 79 per cent, and at least 7 of them (50 per cent) have obtained post-graduate level education.

3.4.2 Hate Speech under Gambian Law

a. The Existence of Specific Laws or Regulations on Hate Speech

Findings of the Key Information Interview, which targeted legal practitioners, indicate that opinions are divided on the existence of laws specifically addressing hate speech. Figure 28 shows that more than half of the informants, 57 per cent, believe that there are no specific laws that address hate speech in The Gambia while 21 per cent believe such laws exist.

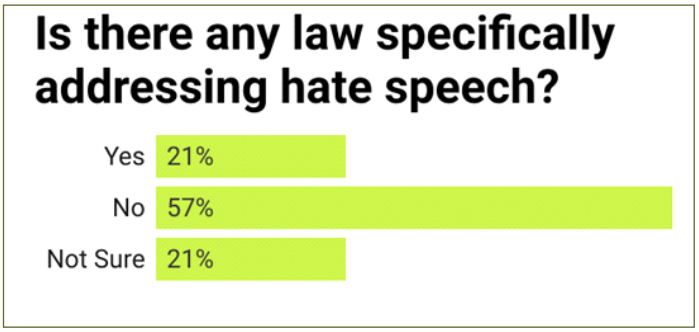

Figure 28 Perception of the Existence of Law on Hate Speech

Another 21 per cent are 'not sure' about the existence of any such laws. Meanwhile, those who said there are specific laws cited the 1997 Constitution, Women's Act 2010, Public Order Act, Criminal Code, and Information and Communication Act 2007.

> One respondent said: ***"While there is no specific law against hate speech in The Gambia, certain offences in the Criminal Code such as inciting violence may be relevant in the fight against hate speech"***

> Another respondent said: ***"The Criminal Code has provisions on incitement to violence and related offences that could encompass hate speech but the law needs to be amended and expanded to include the new realities of hate speech, especially when uttered on social media."***

b. Effectiveness of Current Legal Framework

An equal percentage of respondents, 43 per cent, thought that the current legal framework is 'somewhat effective' or 'not very effective'. On the other hand, - 14 per cent of the respondents believed that the current legal framework is 'not effective at all' in addressing hate speech.

The inadequacy or ineffectiveness of the law is believed to be caused by several

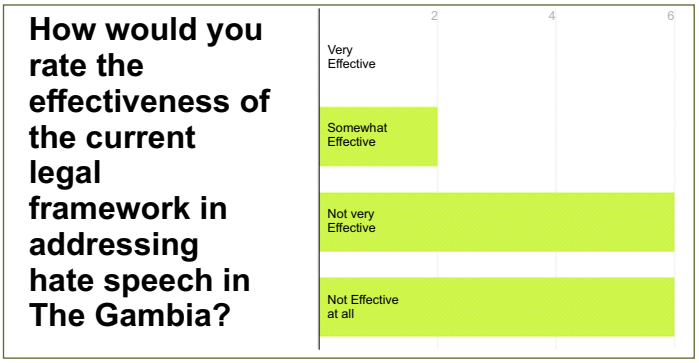

Figure 29 Perception of the Effectiveness of Current Legal Framework

legal loopholes and limitations, including the lack of a clear legal definition of hate speech, in the national legislative frameworks.

> *One respondent said:*
> ***"The definition of hate speech is not very conclusive. Drawing the line between hate speech and freedom of expression is becoming a challenge, and the law in my opinion is not specific enough to make a clear distinction."***
>
> *Another respondent attributed the challenge to:*
> ***"The non-existence of specific legislation to address hate speech; lack of strong political will to tackle the issue especially utterances made during political gatherings."***

Overall, there appears to be a consensus that there is ambiguity or lack of clarity in the law, making it difficult to hold perpetrators to account.

c. *Findings of Litreture Review*

The findings of the literature review support the view that there is no specific legislation that addresses hate speech. Previous studies show that no law clearly defines or prohibits hate speech, and this research did not come across any such law despite extensive literature review and consultations. However, several provisions in the 1997 Constitution of The Gambia and various legislation could offer opportunities to address aspects of hate speech.

- ***The 1997 Constitution of The Gambia*** contains provisions on freedom of expression and protection of fundamental rights and freedoms that can be undermined by hate speech[60]. Section 33 provides for equality before the law, including equal and full enjoyment of all fundamental rights and freedoms[61]. The principle of equality corroborates that of non-discrimination, expressly provided for by Section 33 (3) of the Constitution, which prohibits discrimination based on ethnicity, social origin, or race.

The right to freedom of expression, guaranteed under Section 25, is not absolute. Under section 25 (4), this right can be curtailed based on national security, public order, decency, or morality or concerning contempt of court.

However, while the Constitution upholds the principles of non-discrimination and provides mechanisms to protect against harmful speech, it lacks the specificity needed, such as definition and scope, to effectively address hate speech.

Section 209 puts restrictions on the freedom and independence of the press as guaranteed by Section 207. It stipulates limitations that are *"reasonably required in a democratic state, in the interest of national security, public order, public morality, and for the purpose of protecting the reputations, rights, and freedoms of others".*

Even though the Constitutional limitations to freedom of expression are widely criticised as overly broad, hate speech is not specifically mentioned as one of the grounds for restriction.[62]

- ***The Criminal Code,*** in sections 59-61, addresses 'seditious intention' and thereby criminalise expressions intended to incite discontent or rebellion against the authority of the

State. While these provisions could theoretically be applied to cases of hate speech, their primary focus is on maintaining public order and protecting the State from subversive activities. The term "seditious intention" is broadly defined and does not specifically mention hate speech, making it difficult to apply these sections effectively to contemporary issues of hate speech.

- Section 120 of the Criminal Code criminalises *"uttering any word or making any sound in the hearing of a person or making any gesture in the sight of a person, with the deliberate intention of wounding the religious feelings of that person.*" This provision could be interpreted as addressing hate speech, specifically targeting expressions intended to harm an individual's religious sentiments. However, it is vague and restrictive, lacking a comprehensive definition that encompasses the broader scope of hate speech, such as racial, ethnic, or gender-based hate speech.

- ***The Election Act - The Independent Electoral Commission (IEC)*** is the body mandated to organise and conduct elections in The Gambia. The Elections Act a subsidiary legislation contains a Code of Election Campaign Ethics Order[63], which is binding on all political parties and their candidates contesting any position in any election conducted by the IEC. This Code prohibits insult or slander against a candidate or the use of any language which is inflammatory, defamatory, or insulting or which constitutes incitement to public disorder, insurrection or hate, violence, or war[64].

- ***Similarly, the Code of Election Campaign Ethics Order*** makes it illegal to make speeches based on, or which may incite, or which are calculated to incite sentiment of a sectional, divisive religious, ethnic, or regional nature. While the Code did not provide for criminal sanction, a breach of any of the provisions in the Code lead to the cancellation of the registration of the political party or in the case of an independent candidate, the cancellation of the nomination of the candidature.

Combined reading and analysis of the provisions of the various legislation cited above shows that although there are laws containing elements that can be relied on to counter hate speech in The Gambia, they are inadequate to effectively respond to incidents of hate speech. The need to bring The Gambia's legal framework in line with international standards regarding hate speech is evident in recent legislative efforts, such as the 2020 Draft Constitution, Criminal Offences Bill 2022, and Cyber Crime Bill 2023, each of which addresses hate speech and incitement in their respective contexts.

- The framers of the 2020 ***Draft Constitution***[65] made attempts to address hate speech. Specifically, Section 46 identifies hate speech as a legitimate ground for restricting freedom of expression. It states that freedom of expression does not extend to certain instances, such as
    a. Propaganda for war;
    b. Incitement to violence or to break law and order;
    c. Ethnic or religious hatred;
    d. Hatred resulting in the vilification of others or incitement to cause harm;
    e. Hatred based on any ground of discrimination specified[66].

- ***The Criminal Offences Bill 2022*** has been drafted in response to the urgent legal reforms needed to bring Gambian criminal laws in line with international standards and best practices. Section 58 of the Bill addresses hate speech and incitement to violence with provisions that criminalise statements implying the desirability of causing death, physical injury, or property damage, as well as public incitement to hatred based on characteristics like race, religion, and

gender. Offenders can face up to five years imprisonment. While this scope, which encompasses a wide range of actions, including oral and written communication, the use of electronic media and significant penalties, aims to deter hate speech, it should be highlighted that there is potential overreach and infringement of freedom of expression. Terms like "feelings of ill will" and "hostility" are vague, risking selective enforcement, and the requirement for the Attorney General's consent to commence prosecution may delay justice.

To comply with international standards, such as those in the ICCPR and the UN's hate speech strategy, there is a need to clarify definitions and ensure protections for legitimate expressions, including journalistic work and public interest speech. By balancing robust hate speech regulations with safeguards for freedom of expression, this provision can effectively address hate speech while respecting fundamental human rights.

- Section 6 of the Cybercrime Bill 2023 criminalises various computer-related offences, including the spread of false news, incitement to violence, and making derogatory statements. Subsection 6(1)(b) explicitly targets incitement of violence, aligning with Article 20 of the International Covenant on Civil and Political Rights (ICCPR), which mandates the prohibition of advocacy that incites discrimination, hostility, or violence. This provision ensures that speech leading to tangible harm, particularly violence, is prohibited. The focus on incitement, a core component of hate speech, is in line with international norms and helps to prevent the escalation of discriminatory rhetoric into physical harm.

  However, subsection 6(1)(c), which penalises bullying, abuse, and derogatory statements, requires a review to be effectively utilised to address hate speech. The term "derogatory statements" is broad and may be open to subjective interpretation. Best practices stress that hate speech laws should be precise and narrowly defined to avoid encroaching on legitimate free speech. Overall, while Section 6 of The Gambia's Cybercrime Bill 2023 addresses critical aspects of hate speech, particularly incitement to violence, its broad terminology in certain areas could be refined to meet above more effectively.

3.4.3 The Gambia's Obligation under International Law

The Gambia is a party to several regional and international instruments relevant to addressing hate speech, including the African Charter on Human and Peoples' Rights (ACHPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

Article 2 of ICCPR and Article 2 (2) of ICESCR oblige States Parties to guarantee that the rights contained in these instruments will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.

The inherent equality and dignity of each person is the basis of international human rights law. International law condemns utterances that negate the equality of all people. Article 20 (2) of the ICCPR places a duty on State Parties to prohibit advocacy of racial, religious, or national hatred that constitutes incitement to discrimination, violence, or hostility.

By stipulating legal prohibitions on certain categories of speech, the Article recognises the necessity of imposing restrictions on freedom of expression in cases where such speech poses a clear and present danger to societal harmony and individual rights. Similarly, Article 4 of the Convention on the Elimination of Racial Discrimination mandates State Parties to declare as a crime punishable by law all transmission of statements based on racial hatred or superiority and incitement to racial discrimination. Under the Genocide Convention, [67]

The Gambia is obliged to not only prohibit but punish by law hate speech.

In Africa, the AU Declaration of Principles of Freedom of Expression and Access to Information in Africa (2019) provides hate speech as a ground for restricting freedom of expression[68].

Analysis of the literature indicates that international law in no uncertain terms recognises the important role of legislation in addressing hate speech. In some instances, it places obligations on States to establish legal frameworks to prohibit hate speech or even criminalise it.

However, what has so far been an unsettled debate is setting the legal boundaries between hate speech and freedom of expression, the effectiveness of hate speech legislation in addressing hate speech, and the potential for hate speech legislation to be abused[69].

International law sets a high threshold for restrictions on freedom of expression and imposes specific constraints on what may be prohibited as hate speech[70]. General Comment No. 34 of the UN Human Rights Committee provides guidance on the scope of freedom of expression under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). It establishes that any restriction on freedom of expression must meet a strict three-part test: the restriction must be provided by law, must pursue a legitimate aim and must be for achieving the legitimate aim[71]. However, there are concerns over low levels of adherence with these standards. The Rabat Plan of Action,[72], adopted during a 2012 UN expert meeting in Rabat, Morocco, highlights that national laws on hate speech do not generally comply with the strict requirements of international law, and restrict and punish expressions protected by international law. The Plan provides that prohibition of incitement/hate speech must be used as an 'exceptional measure of last resort', and sets out the following criteria for prohibition[73]:

- Social and political context
- Status or influence of the speaker
- Intent of the speaker
- Content for the form of expression
- Likelihood and imminence of violence or discrimination resulting from the hate speech

Chapter 3.4 References

60 see Chapter of the 1997 Constitution

61 See Section 33 (1) 1997 Constitution

62 JAMMEH, Saikou. 2021. Research on hate speech in the Gambia media. The University of The Gambia and The Gambia Press Union.

63 Cap 3:01 Laws of The Gambia

64 Section 2 (c) Election Act Subsidiary Legislation Code on Election Campaign Ethics Order

65 Section 46, 47 and 48 of the Draft 2020 Constitution deals with freedom of expression, freedom of the media and access to information, respectively

66 Section 69(6) of the Draft 2020 Constitution reads: “In this section, the expression "discrimination" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, ethnicity, creed, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.”

67 The Gambia ratified the Genocide Convention in 1978.

68 See ACHPR, Declaration of Principles of Freedom of Expression and Access to Information in Africa (2019)

69 TOBY, Mendel. 2010. Hate speech under international law. Center for Law and Democracy. Available at https://www.law-democracy.org/wp-content/uploads/2010/07/10.02.hate-speech.Macedonia-book.pdf. [Last accessed July 10, 2024

70 The Rabat Plan of Action is a comprehensive framework developed to guide states in addressing hate speech while upholding the principle of freedom of expression. It emphasises a balanced approach to managing hate speech, recognising the potential harm it can cause while safeguarding democratic values.

71 United Nations Human Rights Committee. (2011). General Comment No. 34: Freedoms of opinion and expression (Article 19). Available at: https://undocs.org/CCPR/C/GC/34 [Accessed 23 Sep. 2024].

72 As n 87 above

73 United Nations (2013). Rabat Plan of Action on the prohibition of incitement to hatred. Available at: https://www.ohchr.org/en/special-procedures/sr-freedom-of-religion-or-belief/rabat-plan-action [Accessed 23 Sep. 2024].

Part V

3.5 Responses to Hate Speech in The Gambia

Analysis of the literature indicates a noticeable increase in capacity building and public awareness initiatives focused on hate speech in recent years. Civil society and fact-checking organisations have emerged as key players in developing and implementing such initiatives, though the findings of the survey also show the involvement of a diverse array of stakeholders, including academia, media, community leaders, religious organisations, and independent organisations.

3.5.1 Methodology

In this Section, a list of entities, State, and non-State, identified as stakeholders based on their work or role in addressing hate speech was compiled. Tailored questionnaires were developed for each stakeholder and administered in person and via email. The aim was to investigate how various stakeholders are responding to hate speech.

Stakeholders by group

Stakeholder type and name	Number of respondents
Academia: UTG and MAJaC	2
Political parties: APRC, GAP, NPP, NRP, UDP	5
Inter-Party Committee	1
Independent Commissions and agencies: NHRC, NCCE, IEC (did not rspond)	2
Gov't Institutions: MoJ, MoI (did not respond)	1
Media: independent journalists	3
Factcheck organisations: FactCheck Gambia, Factcheck Centre, Malagen	3
Media regulators: MCG, PURA	2
Community leaders: Imam, Alakalo, Ward Councillor	3
Religious groups: GSIC, GCC, Ahmadi	3
Civil society groups/youth groups:	4
Press Freedom Organisations: GPU, Article 19	2
Funding organisations UN/UNESCO/UNDP, Freedom House	2
	A total of 32 persons interviewed

Table 1 Stakeholder Institutions Identified for Stakeholder Analysis of Effectiveness of Hate Speech Response

Score	Rating	Description
75 – 100	Excellent	Stakeholders have implemented comprehensive measures that effectively address hate speech and hate crimes.
50 – 74	Satisfactory	Stakeholders have taken some steps to address hate speech and hate crimes, but there are areas where improvements could be made.
25 - 49	Needs Improvement	Stakeholders' responses to hate speech and hate crimes are inadequate, with significant gaps.
0 - 24	Poor	Stakeholders have largely neglected the issue of hate speech and hate crimes, with minimal or ineffective measures in place to address them.

Table 2 Stakeholder Effectiveness Rating Scale

As shown in *Table 1*, the stakeholder respondents are diverse, including policymakers, media regulators, press freedom organisations, journalists, Civil Society Organisations, religious groups, political organisations, law enforcement, community leaders, independent Government agencies, and development partners.

Out of a target of 40 respondents, 32 individuals responded. About 50 per cent of the respondents are above 40 years of age and over 50 per cent obtained graduate-level education. In the stakeholder analysis, stakeholders were rated by respondents using the tool in *Table 2*.

3.5.2 Evaluating the Effectiveness of Stakeholders' Responses to Hate Speech

The respondents – stakeholders – were asked to evaluate the effectiveness of the responses provided by various stakeholders in addressing hate speech. Each stakeholder group is given an average score (in red) out of a maximum of 100.

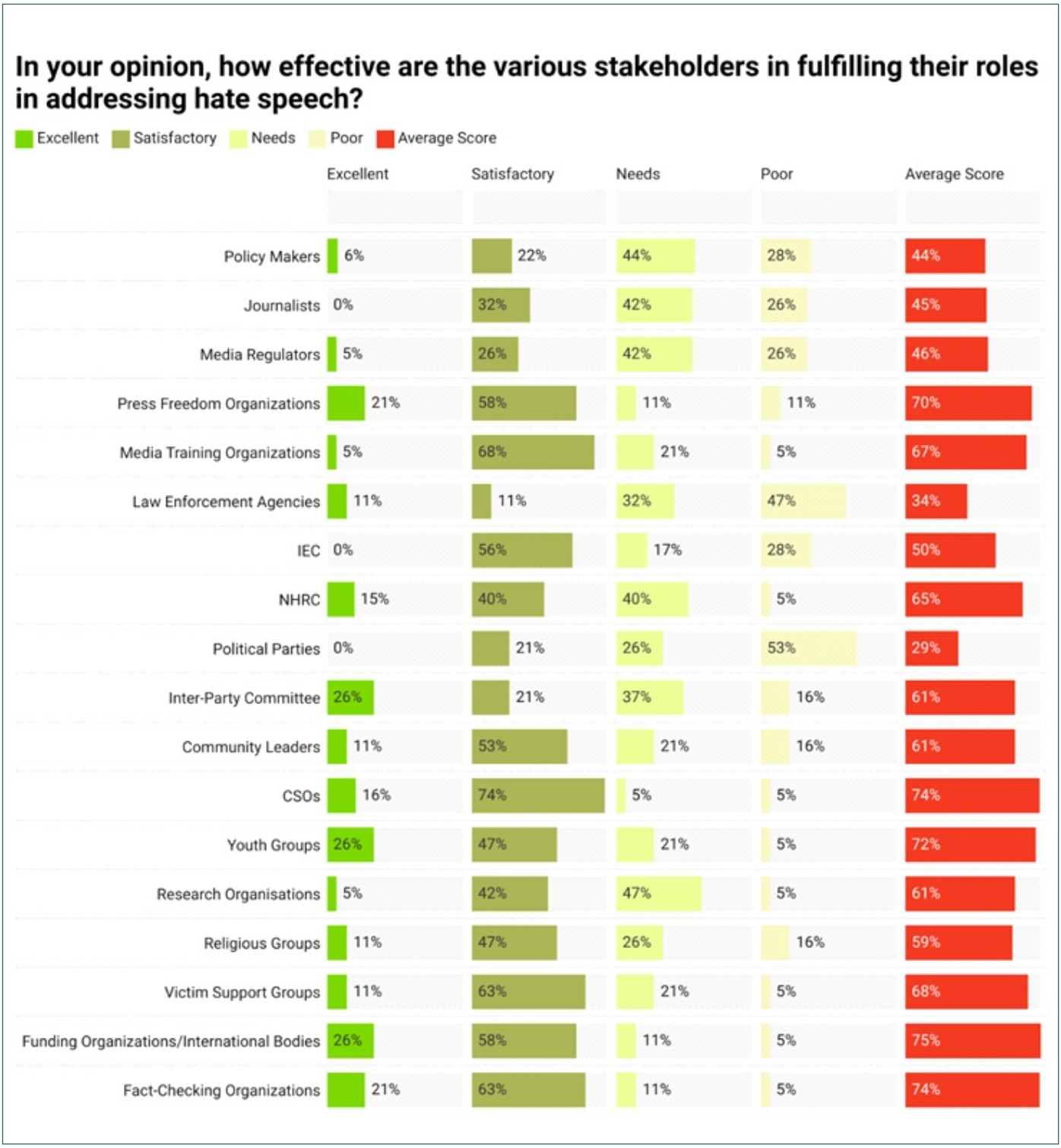

Figure 29 Perception of the Effectiveness of Response to Hate Speech by Varions Stakeholders

Figure 29 illustrates the scores assigned to each stakeholder, categorised by ratings of 'Excellent,' 'Satisfactory,' 'Needs Improvement,' and 'Poor,' reflecting how they are perceived to be effective in responding to hate speech. Each stakeholder evaluated the performance of other stakeholders in addressing hate speech with 100 as the highest score.

The results of the rating show a mixed performance landscape. While some stakeholders were rated favourably, others require considerable improvement.

International development partners achieved the highest average score, followed by civil society and fact-checking organisations. This could be attributed to how respondents perceive effective resource allocation, strong civil society engagement, and reliable fact-checking. Other stakeholder groups such as political parties, media regulators, religious groups, independent commissions/agencies, and law enforcement were seen to have notable gaps in their performance.

a. Law Enforcement

The survey results indicate low perception ratings regarding law enforcement efforts against hate speech. At least 47 per cent of respondents rated law enforcement as poor, 32 per cent said they need improvement, 11 per cent find them satisfactory and another 11 per cent rated them as excellent. This represents the second lowest ranking.

Qualitative analysis of data and findings of the literature review show that law enforcement agencies generally do not monitor and document hate speech incidents. There is no known prosecution of a hate speech charge.

The enforcement of laws on matters relating to hate speech is typically the prerogative of the Police. While the Police did not directly respond to the survey question, the general crime data accessed by this research shows that the Special Investigations Unit (SIU) of the Gambia Police Force handled nearly a dozen speech-related incidents. Analysis of these cases investigated by the Gambia Police Force (GPF) indicates a discernible pattern: investigations on speech-related incidents are selective and targeted individuals linked to the opposition, journalists, and civil society activists. Survey and literature review findings indicate that individuals linked to the Government or the ruling party who have uttered hate speech have not faced any form of punishment.

The recent announcement by the Inspector General of Police (IGP) to tackle hate speech in a 'rule for one, rule for all' manner could be seen as a positive development.[72] However, there are concerns about the scope of what the IGP considers punishable speech - insult of elders and the President. Moreover, the track record of the Police does not inspire much confidence that any initiative will be implemented fairly and effectively.

The Ministry of Justice (MoJ), the only policymaking institution that responded to the survey, claims to have launched investigations into hate speech and hate crime incidents but has not provided details of the incidents or the outcomes.

> ***"The challenge in our legal system is that there is no specific definition or prohibition of hate speech in The Gambia.***[75]
> - MoJ

b. Capacity Building and Public Awareness

Analysis of the literature indicates a noticeable increase in capacity building and public awareness initiatives focused on hate speech in recent years. Civil society and fact-checking organisations have emerged as key players in developing and implementing such initiatives, though the findings of the survey also show the involvement of a diverse array of stakeholders, including academia, media, community leaders, religious organisations, and independent organisations.

The various initiatives aim not only to educate stakeholders, empower communities, and strengthen institutional responses to hate speech but also to foster a more inclusive and tolerant society.

Name of the stakeholder	Category of the stakeholder	Type of training and capacity building
University of The Gambia	Academia	Awareness campaigns| Training workshops | Community dialogues
Media Academy for Journalism and Communication (MAJaC)	Academia	Covers hate speech as part of training in Media Law and Ethics
National Human Rights Commission (NHRC)	Independent commission	Capacity-building for CSOs, journalists, etc.
MoJ	Public institution	Awareness raising | A dvocacy campaigns | Community dialogue | C apacity building
Inter-Party Committee (IPC)	Political institution	Training on positive political campaigning, covering hate speech.
Malagen	Media/fact-checking organization	Training for journalists, CSOs, and po litical parties. Runs MIL Clicks, which trains senior secondary students on hate speech, disinformation, and digital citizenship.
Gambia Press Union (GPU)	Press Freedom organisation	Regular training of journalists on hate speech and fact-checking
Freedom House – Gambia	Funding organisation	Facilitated the training of fact -checking organisations such as FactCheck Gambia and Factcheck Centre on hate speech and disinformation monitoring
National Council for Civic Education (NCCE)	Independent Commission	Awareness-raising programmes on the harmful effects of hate speech and advocates for tolerance
National Youth Council	Youth Group	Awareness campaigns | W orkshops | Produced a manual on the training of youth on Media Information Literacy (MIL)
National Youth Parliament	Youth Group	Awareness campaigns | workshops on conflict resolutions
Beakanyang	Civil Society Organisation	Interfaith Dialogue | Training and capacity building
Gambia Supreme Islamic Council	Religious group	Conducts educational programmes, and delivers sermons promoting peace and tolerance
Gambia Christian Council	Religious group	Hosts community dialogues and collaborates with other organisations to promote tolerance and understanding.
Ahmadiyya Muslim Jama at	Religious group	Conducts educational seminars and community outreach programmes to raise awareness and promote understanding.

c. Media monitoring

Media monitoring of hate speech is a recent development in The Gambia. The results of the Key Person Interviews indicate that at least 9 stakeholders are involved in some form of media monitoring of hate speech.

While Malagen has integrated monitoring and countering of hate speech into its

fact-checking programme, specialised fact-checking organisations such as FactCheck Gambia and Fact Check Centre track and counter disinformation, including those with hateful undertones or narratives.

The National Human Rights Commission monitors hate speech to enable investigations into complaints of hate speech. The various media monitoring programmes provide valuable data on hate speech, though the data collection and analysis systems are weak.

d. Research and Curriculum Development

Analysis of the literature review indicates that research and curriculum development concerning hate speech is a recent and evolving area of focus. Out of more than a dozen organisations, only three had carried out any research of sorts. Respondents from the UTG claim that the institution has incorporated hate speech into various courses. MAJaC offers various courses related to hate speech.

However, both UTG and MAJaC have not fully incorporated hate speech in their curriculum. In terms of research, the UTG and GPU carried out research on the prevalence of hate speech in the media[76]. Malagen and Open Media Centre have also produced research analyses on hate speech during elections[77].

e. Public Statements and Condemnations

Issuing public statements of condemnation or censure against hate speech incidents is found to be rare. This is supported by findings of the survey among stakeholders, indicating that only the National Human Rights Commission occasionally issues such statements.

The lack of proactive policies from other key stakeholders, such as civil society and political parties, to condemn hateful incidents is a significant concern.

f. Funding towards Hate Speech Responses

Funding in support of efforts to address hate speech comes from limited sources. According to findings from the surveys and literature review conducted, the organisations that provided funding support are mainly the UN Country Team, UNESCO-Dakar, Freedom House, and KAS, contributing an estimated $135,000 to addressing hate speech and related issues in the past three years. The various stakeholders that benefitted from such support include media and fact-checking organisations, youth groups, civil society groups, and independent Commissions. The intervention areas were mainly research, capacity building, media monitoring and fact-checking, and community dialogues. The United Nations Country Team (UNCT) in The Gambia has, since 2019, been consistently supporting initiatives to address hate speech through at least four project cycles, including:

- UNFPA, UNDP, and UNESCO Peace Building Fund (PBF) project, "Young Women and Men as Stakeholders in ensuring peaceful democratic processes and Advocates in the Prevention of Violence and Hate Speech" (2020 – 2022)
- UNDP, UNESCO, and ITC PBF project - Strengthening the National Infrastructure for Peace to Promote Social Cohesion in The Gambia (2022 – 2025)

- UNDP, UNFPA, and UNICEF PBF project - Strengthening women's political participation and leadership through reformed legislation, community-level leadership, and political parties' engagement in The Gambia, (2023 -2024)
- UNDP Elections Project (2020 -2023)

g. Response to Hate Speech by Political Parties

The landscape regarding the commitment of political parties to address hate speech appears complex. All surveyed political parties expressed commitment to addressing hate speech. However, the survey and literature findings reveal contradictions and gaps between stated commitments and actual practice.

While some parties, namely APRC, GAP, and NPP, claimed to have established measures - guidelines, policies, mechanisms - there is no evidence of either the existence of such frameworks or their application. There is a general lack of enforcement or accountability within party structures.

Inter-party dialogue has been cited by many respondents as a platform where issues of hate speech are discussed and addressed. The literature review shows that the Inter-Party Committee occasionally speaks out on the prevalence of hate speech but has not publicly addressed specific incidents of hate speech. The role of inter-party dialogue is positive, but the effectiveness of the interventions remains unclear. Although the findings of the various surveys and literature reviews carried out in this research indicate that political rivalry is the primary driver of hate speech in the country, political parties have not taken proactive steps to address the issue.

Despite clear evidence of hate speech incidents occurring during political rallies, often in the presence of party leaders or the name of the parties, there is a general lack of formal public reaction from the parties perpetuating it, those targeted or from other people and groups. This highlights a troubling normalisation of such behaviour. Hate speech incitement from one party is often met with a retaliatory attack from the party targeted, escalating tensions and perpetuating a cycle of violence.

Chapter 3.5 References

74 BALDEH, D. 2024. IGP Touray Vows to Eradicate Land Disputes, Hate Speech, and Insults to Leaders. The Fatu Network, 14 June, 2024. Available at https://fatunetwork.net/igp-touray-vows-to-eradicate-land-disputes-hate-speech-and-insults-to-leaders/ [Accessed August 1, 2024]

75 Response to questionnaire by the Ministry of Justice

76 JAMMEH, Saikou. 2021. Research on hate speech in the Gambia media. The University of The Gambia and The Gambia Press Union.

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4

Conclusions & Recommendations

4 Conclusions

The growing concern about 'the noticeable rise of hate speech' in The Gambia is supported by strong public perception and literature findings. This research has noted instances of hate speech in media monitoring reports, other research works, and records of various State and non-State organisations. The environment is found to be highly conducive to hate speech.

This research is mainly exploratory. While it has confirmed the existence of hate speech in the country and the targets and drivers, data on the actual extent of the prevalence of hate speech would require further research. Furthermore, it would be difficult to conclude that hate speech is on the rise in the country as there is no concrete evidence to support that assertion. This is due to many reasons, including a lack of common understanding of what constitutes hate speech and a general failure by relevant public authorities to gather and analyse data. Non-state actors such as the media, civil society, and victim groups have weak and inconsistent monitoring systems.

In some situations, like with the National Human Rights Commission and the media regulatory bodies, data collection is limited to complaints of hate speech and media monitoring, while media and fact-checking organisations consider factors such as the virality of the statement and the status of the speaker in monitoring and countering hate speech incidents. The data on hate speech collected or recorded by critical public bodies such as the Police is included in the general crime data that, however, does not have any specific classification or disaggregation of hate speech incidents.

The combined effect of grossly inadequate and ineffective data collection and weak monitoring systems by various State and non-state actors means that most hate speech incidents go unrecorded. The limited data that is gathered through different approaches has never been consolidated to show national statistics and it is hardly analysed to identify such crucial elements as yearly comparisons, trends, patterns, victim experiences, or outcomes of any actions taken.

To this end, while it can be concluded that hate speech is on the rise in The Gambia, the available evidence that points to an increase in hate speech incidents is anecdotal, circumstantial, and inferential.

Notwithstanding, the growing concern is not unwarranted. While the situation investigated may not yet be ***OUT OF CONTROL,*** the observable trends and patterns point to a situation that is more serious and deeply concerning and calls for urgent, systematic, and strategic interventions especially in light of the approaching electoral cycle.

A careful analysis of various factors, including the type of prevailing hateful narratives, the status and influence of the perpetrators, the context in which the hateful comments are propagated and disseminated, and the prevailing climate of impunity and indifference, reveals dangerous levels of hate speech that pose a significant threat to peace and security in the country.

To effectively address hate speech in The Gambia, there should be consensus building among stakeholders on what ORDINARILY constitutes hate speech. This should be followed by establishing a framework for inter-institutional cooperation, including State and non-state actors, to ensure a thorough and systematic collection, analysis, consolidation, and dissemination of data on hate speech. The conclusions drawn from these efforts should inform the design and implementation of strategic interventions. Policy measures identified as urgent should be pursued simultaneously, alongside public awareness campaigns, capacity-building initiatives, and strategic engagement with key stakeholders.

5.1 Recommendations

The set of recommendations outlined in this research emphasise the importance of collaboration through a multifaceted approach to combat hate speech. 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.

5.1.1 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 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 decriminalise defamation, repeal sedition 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

5. 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.
6. Strengthen the implementation of the Access to Information Act 2021 by establishing robust enforcement mechanisms.

National Human Rights Commission

7. 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.

5.1.2 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.

5.1.3 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 sensitisation 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.

5.1.4 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.

A Report by the National Human Rights Commission - The Gambia