



GAMBIA:

HUMAN RIGHTS MUST BE A TOP PRIORITY FOR THE NEXT PRESIDENT

As the presidential election is drawing near, Amnesty International is calling on all political parties and presidential candidates to break away from the past by prioritising human rights. Amnesty International urges all political parties and candidates to prioritize and commit to the following recommendations and make a pledge to deliver these commitments if elected. Amnesty International encourages all political parties and candidates to sign on to the human rights manifesto:

1. RESPECT, PROTECT, PROMOTE AND FULFILL FREEDOM OF EXPRESSION:

ALL PEOPLE IN GAMBIA HAVE THE RIGHT TO HOLD OPINIONS AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA.

The right to freedom of expression is guaranteed under section 25 of the Gambian Constitution, article 9 of the African Charter on Human and Peoples' Rights ratified by Gambia in 1983, and article 19 of the International Covenant on Civil and Political Rights, acceded to by Gambia in 1979. However, there are still repressive laws in Gambia status books despite the 2018 ECOWAS Court of Justice judgment asking the government to repeal or amend all criminal laws on libel, sedition and false news for Gambia to be in line with its obligations under international human rights law.

The current criminal code contains several clauses restricting the right to freedom of expression. Section 51 criminalizes sedition as related to the president and the administration of justice and section 52 provides for stiff penalties including imprisonment. Section 52A makes provision for confiscation of publications and printing machines while section 59 creates the vague offence of publishing false news with

intent to "cause fear and alarm to the public". The importation of seditious publications is barred under sections 47 and 48, while publications regarding a foreign leader or ambassador with the intent to disturb peace between Gambia and another nation is criminalized under section 60. Section 181A provides for harsh penalties, one year and/or a fine between 50,000 dalasi and 250,000 dalasi, for publishing information that is false. The "Criminal Code (Amendment) Act, 2013" broadened the definition of public servant to include the president, vice president, ministers and members of the National Assembly, and increased punishment for providing false information to a public servant to five years imprisonment and/or a fine of 50,000 dalasi (about \$977).

Section 138 of the Information and Communications Act gives national security agencies, investigating authorities and the Public Utilities Regulatory Authority the powers to intercept communications for surveillance purposes without effective judicial oversight. In addition, the Minister of Information and Communication Infrastructure also benefits from extensive powers with no effective judicial oversight under sections 7(2), 22, 23, 27, 215, 226, 230, 232-236.

Amnesty International calls on political parties and presidential candidates to publicly commit to ensure legislative reforms in order to amend or repeal repressive laws restricting the right to freedom of expression.

2. RESPECT, PROTECT AND ENSURE FREEDOM OF ASSEMBLY:

ALL PEOPLE IN GAMBIA SHOULD ENJOY THE RIGHT TO GATHER PUBLICLY OR PRIVATELY TO PEACEFULLY MEET, PROTEST OR CAMPAIGN. THIS RIGHT SHOULD BE RESPECTED, PROTECTED, PROMOTED AND FACILITATED BY THE AUTHORITIES

The right to peaceful assembly is guaranteed under section 25 of the Gambian Constitution, article 11 of the African Charter on Human and Peoples' Rights ratified by Gambia in 1983, and article 21 of the International Covenant on Civil and Political Rights, acceded to by Gambia in 1979.

Section 5 of the Public Order Act requires permission to protest. The section gives too much discretion to the Inspector General (IG) of the police to deny protests with no review mechanism. Over the past five years, this provision was used to restrict peaceful protests.

Amnesty International calls on political parties and presidential candidates to publicly commit to repeal section 5 of the Public Order Act as it impermissibly restricts the rights to freedom of peaceful assembly.

3. END IMPUNITY:

ALLEGED PERPETRATORS OF HUMAN RIGHTS VIOLATIONS MUST BE BROUGHT TO JUSTICE IN FAIR TRIALS.

The Indemnity Act of 2001 gives the president the power to shield from prosecution any person for any act committed or any failure to act during an unlawful assembly or other emergency situations. The act allows security officers accused of excessive use of force during demonstrations to be indemnified. It violates the right to an effective remedy for victims of human rights violations as provided under article 2.3 of the International Covenant on Civil and Political Rights.

The Truth, Reconciliation and Reparations Commission (TRRC) was launched in October 2018 to look into alleged human rights violations during the 22-year rule of former president Yahya Jammeh. The TRRC is set to submit its final report to the

government soon. The establishment of the TRRC is an important step in the fight against impunity.

Amnesty International calls on political parties and candidates to:

- Support and ensure that the TRRC recommendations linked with prosecutions and fighting impunity are effectively implemented;
- Ensure members of Jammeh's regime who are found guilty of grave crimes are immediately removed from the security apparatus;
- Repeal all the provisions of the Constitution preventing the pursuit of justice and effective remedies;
- Repeal the Indemnity Act of 2001.

4. END SEXUAL, GENDER-BASED VIOLENCE AND DISCRIMINATION TOWARDS WOMEN:

ALL APPROPRIATE MEASURES TO ELIMINATE DISCRIMINATION AND VIOLENCE AGAINST WOMEN IN ALL PUBLIC AND PRIVATE SECTORS MUST BE TAKEN

Gambia passed the Women's Act in 2010 incorporating the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) it ratified in 1993 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) ratified in 2005. The government also outlawed female genital mutilation (FGM) in 2015 and child marriage in 2016.

However, discrimination and sexual gender-based violence against women persist.

Amnesty International calls on political parties and candidates to:

- Ensure and support significant participation of women in the legislative, executive and judiciary fields;
- Ensure equal access to education for women, including pregnant girls;
- Ensure improvement of health facilities to prevent complications linked with childbirth including maternal mortality;

- Ensure FGM and child marriage are stopped in practice;
- Sign CEDAW optional protocol on individual complaints;
- Provide training to the police and the judiciary on sexual gender-based violence cases.

5. PROMOTE ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

PROGRESSIVE MEASURES TO REDUCE UNEMPLOYMENT AND PROMOTE ACCESS TO FOOD, EDUCATION, HOUSING AND HEALTH MUST BE TAKEN.

Gambia acceded to the International Covenant on Economic, Social and Cultural rights in 1978. Gambia's unemployment rate was over 9% in 2020 and over 12 % for the youth in 2019, while the price of essential food commodities has been rising.

Amnesty International calls on political parties and candidates to:

- Promote, develop and adequately resource national plans to fully realize the rights to education, health, food, water, housing and sanitation for all, and ensure that everyone has access to the minimum essential levels of these rights;
- Formulate and implement an employment policy with a view to overcome unemployment and underemployment, particularly among women and youth.

6. ADOPT A LAW PROHIBITING TORTURE:

TORTURE MUST BE LEGALLY DEFINED AND ABSOLUTELY PROHIBITED

Although Gambia Constitution of 1997 prohibits torture, Amnesty International calls on all political parties and candidates to ensure that torture and other ill-treatment is established as an offence in national law and adopt a definition of torture that includes all the elements contained in article 1 of the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Gambia in 2018. Such offences must be thoroughly, impartially and effectively investigated and made punishable by appropriate penalties which take into account their grave nature.

7. ABOLISH DEATH PENALTY:

In February 2018, the government announced the establishment of an official moratorium on executions. In September 2018, Gambia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, courts continue to hand down death sentences.

Amnesty International calls on all political parties and candidates to ensure the death penalty is abolished.



**I COMMIT TO A PRO
HUMAN RIGHTS
AGENDA IN GAMBIA**

CANDIDATE NAME:

POLITICAL PARTY:

DATE:

SIGNATURE:

