



TRRC SHADOW REPORT

*Perspectives of Women, Girls and Marginalized
Communities on SGBV Sexual and Gender Based Violence*

MARCH 2022



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“WILL’s phenomenal contributions to the work of the TRRC, The Gambia’s transitional justice process and the empowerment of girls and women are simply phenomenal. We were lucky to have them as partners.”

“From collaborating with the TRRC on outreach programmes encouraging women’s participation in the TJ process to explaining to rural audiences aspects of the TRRC’s final report, WILL was there from start to finish. We are grateful.”

**Dr. Baba Galleh Jallow,
Executive Secretary of the Truth,
Reconciliation and Reparations Commission.**



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EXECUTIVE SUMMARY

CONTEXT AND BACKGROUND

This report is a culmination of more than three years of work carried out by Women in Liberation and Leadership (WILL) in parallel with the work of the Truth, Reconciliation and Reparation Commission (TRRC) of The Gambia, to capture the perspectives of women, girls and marginalized communities on Sexual and Gender Based Violence.

In December 2016, former President of The Gambia, Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J.Jammeh) was defeated in the Presidential Elections, bringing his 22 years of government to an end. The TRRC was established by an act of the National Assembly of the Gambia and launched in October 2018, to investigate Human Rights violations during former President Yahya Jammeh's rule. It concluded its work and published a report on its proceedings, findings, and recommendations in December 2021. The TRRC final report revealed that the 22 year rule of Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J.Jammeh) as President of The Gambia was characterized by widespread sexual and gender-based violence (SGBV).

Although the TRRC heard testimonies from SGBV victims, the commission struggled to convince many victims of SGBV to testify or give account of the human rights violations they suffered as acknowledged in the final TRRC report. The TRRC final report states that; *“The TRRC found it difficult to get witnesses to testify on their experiences of SGBV. The few that had the courage to do so were harassed after their testimonies thus causing the TRRC to issue a stern warning to the public to desist from such behavior”*.

The main reasons for the low turnout of SGBV victims and women who are disproportionately most affected range from fear of stigma, shame, societal attitudes which privileges men over women, victim-blaming, the fear of retaliation etc. To overcome these barriers, the TRRC report further suggests that “As a nation, The Gambia must endeavor to find ways to break down the barriers which prevent victims of SGBV from coming forward, and when they do, from telling their whole story”¹.

Transitional Justice experts have long recognised from experience in other countries where Truth commissions had been set up, that gender related crimes are usually not adequately covered in Truth Commissions. As a women led organisation with expertise in sexual and gender-based violence, and experience working with female victims of SGBV, WILL recognised from the onset of the Gambia's TRRC that a gender sensitive approach was needed to bring out the stories of women's rights and gender-based violations.

WILL therefore designed a programme of innovative interventions, in collaboration with stakeholders and actors in the Transitional Justice process, of which the TRRC is one component, that sought to break down the barriers which prevent victims from coming forward to tell their whole story and embrace gender justice. The programme sought to:

- amplify the voices of women and experiences of victims of SGBV during Jammeh's 22 years of authoritarian regime, in the wider context of gender injustice and institutionalisation of SGBV under Jammeh.

¹ TRRC report Volume-10-Sexual-and-Gender-Based-Violence, page 2



- **highlight the root causes of gender injustice in Gambia society; the support women need beyond the TRRC and promoting gender justice as a means of mitigating and eventually eliminating SGBV.**

The Listening Circles method introduced by WILL in The Gambia's truth telling process, creates a space where women feel safe to share their stories without fear of stigma, shame, victim-blaming, the fear of retaliation and any societal attitudes which privileges men over women. In addition, WILL engaged communities and different generations in dialogue through Community Dialogue, Ataya Chats and Traditional Communicators – The Kenelengs. Each of these methods has its unique advantage and plays a vital role in the accumulation of information and knowledge shared in this report.

CONCLUSIONS

The prevalence of SGBV in The Gambia is rooted in the patriarchal system that defines roles for men and women, from a very early age (gender roles), in a manner that translates into power and control over resources for men and less opportunities for women (gender inequality). Socio-cultural norms and practices, including traditional ones, and those derived from patriarchal interpretations of religion and beliefs reinforce the acceptance of gender roles through a culture of silence and subservience, thus creating room for the abuse of women, girls and men who do not fit in society's gender narrative, by men.

In The Gambia, women suffer from gender injustice in many forms ranging from FGM, early marriage, domestic violence, SGBV, poor maternity healthcare, lack of access to education and finance etc., to low representation in decision making and leadership roles. Whilst Jammeh introduced laws that in theory should have improved the welfare and status of women, these laws, and his appointment of a few women to high offices in government did not positively impact the lives and livelihoods of women. Instead, the total usurpation of power and institutionalization of SGBV and its common perpetration in public institutions, including the Office of The President, as evidenced in testimonies of victims at the TRRC, has in fact exacerbated SGBV crimes during his presidency.

In the new dispensation of The Gambia, that emerged after the democratic election of President Adama Barrow as the presidential candidate for a grand coalition of political parties in 2016, institutionalized torture and SGBV practice in public institutions has diminished, if not eradicated. The TRRC report has recommended prosecution for former president Jammeh and some of his associates, for different charges, including SGBV crimes. Now, **The Gambia has a unique opportunity to rebalance the gender narrative and embrace the path to gender justice, in the interest of protecting the rights of women to have choices to pursue fulfilment and happiness in their lives, peace, stability and national development.**

The TRRC recommendations, if implemented, will bring closure to victims of institutionalized, state sponsored or state condoned SGBV crimes committed during Jammeh's presidency. The recommendations aimed at achieving the broader gender justice goals, in accordance with international aspirations through the United Nation (SDG⁵²), the African Union and ECOWAS, and embedded in international and Gambian law, will go a long way to dismantling the barriers that hinder the



attainment of the full potentials of women, abating the vulnerabilities that make women susceptible to abuse and SGBV, and empowering women to take their rightful place in the leadership of The Gambian nation and, by extension, the international community of nations.

There are two main components to the fight for gender equality; the legislative and implementation component and the socio-cultural component. The former deals with the enactment and implementation of laws to protect the rights and empowerment of women, the later comprises the engagement of civil society to rebalance the norms and practices of society in favour of gender equality. Civil society organisations have a role to play in both, through advocacy and direct engagement with government, international partners, and communities. Women must take the lead in this liberation and leadership struggles of women both individually and through organisations, for the history of human development has shown that the most assured path to success is to take action rather than wait for success to be delivered on a silver platter.

Fatou Toufah Jallow sums it up well in her statement to WILL below, by reminding us that with SGBV we must look at it's socio-cultural and historical context before, during and after Jammeh; *“I am a direct victim of sexual violence by Jammeh and yes, it is important that the truth is known about Jammeh's sexual abuse of women. But the TRRC will not do justice to Gambian women if incidences of sexual violence are associated to Jammeh's 22 years of dictatorship alone. Many women experienced SGBV before 1994 when Jammeh took over and incidents of SGBV continue to affect Gambian women. We must acknowledge and address that...”* (Fatou Toufah Jallow).

RECOMMENDATIONS

Based on the above findings, WILL submitted the below set of recommendations to the TRRC, in advance of the publication of this report, which was included as an appendix to the final TRRC report.

1. To create a legislative framework that enhances and enforces existing legislations intended to protect women such that women will be protected and safe at the workplace, home and in public spaces. This will encourage women to report incidents of SGBV, safe in the knowledge that the law will afford them adequate protection and justice, regardless of misconceived social, cultural and religious interpretations and practices.
2. Review national laws such as the Women's Act and the Personal Law with a view to removing all provisions that are discriminatory to women and girls.
3. Amend the Sexual Offence Act of 2013 to pass legislation prohibiting direct or indirect sexual harassment.
4. To create a legislative and social framework that will prevent malevolent political interference in communities, by limiting political and administrative authority at community level through workable checks and balances that are rooted in the spirit of community cohesion.
5. Amend legislations to decriminalise homosexuality and same-sex activities between consensual adults, including the Criminal Code Article 144.



6. Ensure that victims of SGBV are provided with adequate reparation and support, including psycho-social support, post TRRC.
7. Ensure access to justice for survivors of SGBV and strengthen efforts to end impunity.
8. Ensure all reparation programs are victim-centred and in the case of SGBV assure that reparations are gender-sensitive and devoid of patriarchal patronage.
9. Ensure that communities that have been fragmented and conflicted, such as those in the Foni, are engaged and afforded reparation and a conducive platform for reconciliation to heal and reunite all Gambians.
10. Ensure that all reconciliation programs are derived from broad consultations and community-led from the planning to implementation stage.
11. Intensify programs aimed at raising awareness of sexual and gender-based violence at grassroot level.
12. Adopt measures to empower women are guaranteed gender equity and equal representation in all positions of authority and operational level in the public and private sector.
13. Introduce comprehensive gender, sexual and reproductive health education in schools, to foster awareness of gender disparity and sexual and reproductive health and rights.
14. Intensify efforts to ensure the availability of adequate sexual and reproductive health care services that also caters for the needs of vulnerable groups.
15. Intensify efforts to support and protect vulnerable social groups and communities such as LGBTI and commercial sex workers.



CHAPTER 1

INTRODUCTION

Former President Yahya Jammeh’s administration was accused of severe human rights abuses such as the death, torture, rape, arrest, detention and enforced disappearance of an unknown number of people for more than two decades. At least 240 people have been arbitrarily killed under Jammeh’s regime¹. In December 2016, Jammeh was defeated in the national elections, and his departure from power in January 2017 provided an opportunity to pursue truth, justice and accountability through the Truth Reconciliation and Reparations Commission (TRRC).

The TRRC was established by an act of the National Assembly of the Gambia and launched in October 2018, to investigate Human Rights violations during the 22 years of government under the former President of The Republic of The Gambia, Yahya Jammeh. The TRRC concluded its work and published a report on its proceedings, findings, and recommendations in December 2021.

The ninth session of the public hearings of the TRRC, held from October 14 -31, 2019, was specifically dedicated to investigating Sexual and Gender Based Violence (SGBV) crimes. The findings are documented in Volume 10 - Sexual and Gender Based Violence (SGBV) of the TRRC report. Other Volumes of the report that are particularly relevant to gender and SGBV are Volume 9 - President’s Alternative Treatment-Program and Volume 11 – 2009 Witch Hunt Exercise. The findings of the Commission have led them to recommend prosecution of Jammeh and some of his accomplices and enablers, including charges related to SGBV crimes.

The ninth session of the public hearings of the Truth Reconciliation and Reparations Commission (TRRC), revealed that the 22 year rule of Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J.Jammeh) as President of The Gambia was characterized by widespread sexual and gender-based violence (SGBV). Sexual violence was often perpetrated either as the main objective of certain human rights violations or it was used as an instrument of repression, torture and punishment (TRRC Final Report, 2021).

The TRRC made efforts to encourage victims of SGBV to come forward and testify, or at least give a statement of their experiences. Despite the strong provisions in the TRRC ACT to support and protect victims and the Commission’s effort to encourage victims to participate, many did not take part in the TRRC, due to the pervasive culture of silence around SGBV and the stigma attached to victims of sexual violence.

This shadow report is intended to shine more light on aspects of gender injustice and the heinous crimes of Sexual and Gender-Based Violence committed during Jammeh’s regime, as experience from previous Truth commissions in other countries has shown that gender related crimes are usually not adequately covered in Truth Commissions. The recently published UN Women report “Identifying Gender Persecution in Conflict And Atrocities” makes it clear that targeting people on gender grounds is a crime against humanity². It further recommends that transitional and restorative justice mechanisms, including truth commissions and reparations processes, should

¹ TRRC’s chair Dr Lamin Sise at a press briefing with journalists on Thursday November 25, 2021

² Identifying Gender Persecution in Conflict And Atrocities, UN Women (2021).



include the concept of gender persecution and, when relevant, its legal requirements as a crime against humanity, within their mandates and ensure the meaningful participation of survivors who face multiple and intersecting forms of discrimination.

In The Gambia, violence and discrimination perpetrated against women and girls is pervasive, due to the patriarchal nature of society combined with deeply rooted socio-cultural beliefs and attitudes towards women and their bodies. As a women led organisation that has expertise in sexual and gender-based violence, and experience working with female victims of SGBV, WILL recognised from the onset of the Gambia's TRRC that without proactive and sustained efforts to ensure a gender sensitive approach, women's rights and gender-based violations risk becoming largely invisible in the work of the TRRC, due to long-standing social injustices and institutional failures on issues of women and vulnerable groups' rights and empowerment. As stated in The African Union Transitional Justice Policy (AUTJP, 2019), investigation and prosecution of sexual and gender-based violence in TJ processes should adopt measures that protect victims of such violence from social and cultural stigma³

To overcome these barriers that affects participation of women in The Gambia's TRRC, WILL developed a Gender sensitive and victim centered program from 2018, with the aim of finding alternative ways for women to take part in the truth-seeking process, through our wide outreach footprint, public engagement, and advocacy. As a result, women from different communities participated in the TRRC process formally, some gave statements and others went a step further to testify. Some women preferred to share their stories outside the TRRC structure and contribute ideas to the TRRC recommendations submitted by WILL, which were included as an annex to the TRRC final report⁴.

Now that the TRRC have submitted their final report, the supplementary information and evidence collected by WILL from women and marginalised communities on SGBV during Jammeh's 22 years of dictatorship is contextualized and provided in this shadow report. The report also explores the underlying causes of SGBV and makes specific recommendations to address them. The shadow report is a stand-alone report that references the TRRC final report and other relevant documents but tells the story of SGBV from the perspective of women. As shown later in the report sex and gender are two different concepts that are inextricably linked. Whilst SGBV also affects men and did so during Jammeh's era, the emphasis of the report is, however, on the story of women and marginalised communities whose rights were violated because of their gender.

For confidentiality reasons, names of witnesses are generally withheld unless they had given consent to WILL to publish their names, or they were named in publicly available documents or appeared at the TRRC.

The Truth Reconciliation and Reparations Commission (TRRC), revealed that the 22-year rule of Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J.Jammeh) as President of The Gambia was characterized by widespread sexual and gender-based violence (SGBV), a crime against humanity according to the UN Women report "Identifying Gender Persecution in Conflict And Atrocities".

³ African Union Transitional Justice Policy (2019)

⁴ TRRC Final Report Annex A (xiv): Women In Liberation And Leadership (WILL) Recommendations to the TRRC



1.1 STRUCTURE OF THE REPORT

THE REPORT IS LAID OUT INTO THE FOLLOWING CHAPTERS:

- Chapter 1: Introduction.** This chapter sets the stage and provides context for the report.
- Chapter 2: Why the Shadow Report on Gender and SGBV.** This chapter sets out the rationale and need to capture the perspectives of women outside the TRRC structure.
- Chapter 3: Basic Gender Concepts.** This chapter discusses basic concepts that help the reader follow the content of the report with a gender lens.
- Chapter 4: Outreach Methods and Techniques.** This chapter details the methods and techniques used by WILL to engage and make women and members of affected communities feel comfortable to take part in the Transitional Justice (TJ) and speak about their experiences from the perspective of women.
- Chapter 5: Legal Context. This chapter puts SGBV in The Gambia in a legal context.** It discusses the merits and deficiencies in the legal framework for TJ in The Gambia.
- Chapter 6: The Status of Women and SGBV in The Gambia.** This chapter discusses the socio-economic and cultural systems and practices that contribute to gender inequality in The Gambia. It examines the root causes of gender inequality in Gambian Society.
- Chapter 7: The Effect of Jammeh’s Regime on the Status of Women and SGBV.** This chapter discusses how SGBV became institutionalized and taken to a new level, and the impact that has on the status of women.
- Chapter 8: Conclusions and Recommendations.** This chapter summarises the key findings of the report and gives a set of recommendations to bring about gender equality and justice to women and marginalised groups.



CHAPTER 2

WHY THE SHADOW REPORT ON GENDER AND SGBV

Whilst the TRRC made efforts to reach out to female and SGBV victims to participate in the commission, the response has been rather underwhelming. Those who came forward during the hearings around SGBV were harassed, ridiculed, and blamed, deterring other victims from speaking up. In their final report, the TRRC stated that; “The TRRC found it difficult to get witnesses to testify on their experiences of SGBV. The few that had the courage to do so were harassed after their testimonies thus causing the TRRC to issue a stern warning to the public to desist from such behavior”. The main reasons for the low turnout of SGBV victims and women who are disproportionately most affected range from fear of stigma, shame, societal attitudes which privileges men over women, victim-blaming, the fear of retaliation etc.⁵.

In its own words, the TRRC final report suggests that “As a nation, The Gambia must endeavor to find ways to break down the barriers which prevent victims of SGBV from coming forward, and when they do, from telling their whole story”⁶. During the TRRC proceedings, over 393 witnesses, the vast majority of whom were men, testified before the commission. It is important to note in passing that woman were hardly named as perpetrators or having been directly involved in human rights abuse by witnesses, although some, like Njimby Jammeh, were identified as accomplices and enablers⁷.

Evidence from the witness testimonies (over 2,600) indicate that SGBV crimes were committed at all levels, including the highest office (Office of the president) and within state institutions. These crimes were also hidden from the public and ignored, if not actively tolerated, by the state. Nonetheless, it follows from the foregoing that the information collected during the TRRC hearings alone DOES NOT fully reflect the scale, magnitude, and impact of SGBV crimes committed during Jammeh’s 22 years of presidency.

During WILL’s outreach to communities, it became clear that a lot of work needed to be done, even after the conclusion of the Commission’s work and publication of the final report, to have a good understanding of the scale of SGBV during Jammeh’s 22 years of dictatorship in the context of prevailing socio-cultural norms. For example, WILL continues to discover that many female victims did not understand the difference between giving statements and appearing as a witness, or indeed that as victims they can choose to testify or not and that if they do, they can choose to do so in camera or off camera. Due to the fear of exposure and shame many victims, especially women, abstained from giving accounts of their experiences, worried that their identity will be revealed.

In addition to victims who were subjected to SGBV, many of the women who took part in WILL’s community dialogues and Listening Circles were “indirect victims” of human rights violations, for example women who lost their husbands, sons, brothers, and other male family members. Many of these women did not realise that they qualified to give statements to the TRRC. WILL’s engagement with these victims reveals that, many of them were left to search for their lost family members and

5 TRRC report Volume-10-Sexual-and-Gender-Based-Violence, page 1

6 TRRC report Volume-10-Sexual-and-Gender-Based-Violence, page 2

7 Njimby Jammeh was named severally as having taken part in luring young women to abuse by TRRC witnesses.



defend for themselves and their families, increasing their vulnerability to sexual and gender-based violence. Furthermore, WILL's Listening Circles and community dialogues reveal that in instances where both a husband and a wife's rights were violated, mostly only the husband gave a statement. Women took it for granted that as heads of households the men had the responsibility to narrate the violations that took place. Often in doing so, the stories of the female family members were left out and they would not be compensated. A female victim of Jammeh's Witch Hunt in Sintet shared this (reproduced verbatim):

"..when the men came they arrested my husband, I was crying and then the old man in red arrested me too and said I was a witch as well. I was taken to Kanilai and both I and my husband suffered. We left our children and we were taken for 3 days. My husband talked to the TRRC and told them what happened. But when the TRRC came to pay they said I was not on the list. Only my husband was paid...."

The TRRC conducted outreach activities in communities away from their headquarters where some witnesses testified, which encouraged the participation of victims in an open setting, at community level. In spite of these laudable efforts, many victims in the rural areas, particularly women, did not give accounts of the violations they suffered. The Gambia is a closely knitted community and rural women, particularly those who were subjected to SGBV could have been easily identified and shamed if they were to take part in open TRRC hearings. Consequently, women in the rural communities, who could have voluntarily shared their experience in a safe setting, were left with the only option to travel to the TRRC headquarters to participate in the TRRC. For women with very low incomes, travelling to the TRRC headquarters would have been prohibitively expensive and even if they chose to, they would have needed to take permission from their husbands or other male family members to travel.

Thus, the purpose of the shadow report is to amplify the voices of women and experiences of victims of SGBV during Jammeh's 22 years of authoritarian regime. The report aims to fill in the gaps in the truth finding process of the TRRC and shine light on the need to support women beyond the TRRC, to deal with the trauma they suffered and to give them adequate psychosocial support to rebuild their lives. It is also intended to shed light on some of the structural barriers such as socio-cultural and financial barriers that are harming women and holding them back from achieving their true potential, as well as to share WILL's innovative approaches that not only made it possible for women to come forward, but empowered women to take ownership of initiatives to help themselves and join the fight for gender justice and equality in the New Gambia and beyond. In the true spirit of the TRRC's recommendation, WILL sought ways to break down the barriers which prevent victims from coming forward to tell their whole story. In doing so WILL recognises the significance of defining victimhood within the context of Gambian society, taking into consideration the status of women and girls rights and cognizant of the underlying factors that made women vulnerable to violence, particularly SGBV, during Jammeh's regime and how these factors continue to affect women and put them in vulnerable positions to this present day.

It is important that the status of women's rights is analysed and considered when formulating rules of procedure and defining victimhood in order to capture and appreciate the context within which SGBV crimes are committed, reported and appropriately dealt with in the context of transitional justice.



CHAPTER 3

BASIC GENDER CONCEPTS

3.1 SOME KEY DEFINITIONS

There are many concepts about gender and SGBV that are often misunderstood and need to be put in context in this report. For example, the concepts of “sex” and “gender” are often mistakenly taken as synonymous. Whilst the two are inextricably linked, they are not the same. The definitions of key terms adopted for this report are stated below to aid the reader’s appreciation of the gender narrative⁸ and SGBV. Elsewhere in the report these definitions will be contextualized for The Gambia, before, during and after the Jammeh regime.

Sex is defined as the biological and physiological characteristics that define men and women⁹.

Gender refers to “the two sexes, male and female, within the context of society”¹⁰. In other words, gender related matters can affect both men and boys, as well as women and girls, albeit with different consequences depending on the existing socio-cultural dispensation. For example, gender-based crimes are crimes committed against persons, whether male or female, because of their sex and/or socially constructed gender roles.

Gender Roles refer to how society dictates the roles and behaviours of women and men especially in production and reproduction responsibilities. For example, it is expected in most societies, including The Gambia, that women take up the responsibility of caring for children and other family members, and undertaking domestic chores for the maintenance and well-being of household members.

Gender Relations refers to the ways in which a culture or society defines rights, responsibilities, and the identities of men and women in relation to one another in the household and the community at large. Relations between women and men can lead to discriminations, power imbalance and favouritism in relation to who has access and control over resources. In the Gambian context, women are marginalised and often on the disadvantaged side of the imbalance in power and control, with a low level of representation in decision-making and leadership positions.

Gender Equality refers to the equal rights and opportunities of women and men, girls and boys. Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world¹¹. While significant steps have been taken by the Gambia Government to promote gender equality and women’s empowerment through the introductions of legislative acts and the establishment of the Ministry of Gender, Children and Social Welfare, the welfare of Gambian women continues to lag significantly behind that of men and gender equality is still a challenge.

8 A set of ideas, beliefs, prejudices or stereotypes that define a social construction of an individual’s or group’s identity based on their perceived sex and/or gender including their roles, behaviors, activities or attributes. Source Identifying Gender Persecution in Conflict And Atrocities, UN Women (2021).

9 ICC Office of the Prosecutor, Policy Paper on Sexual and Gender-Based Crimes 3 (2014).

10 Article 7(3) of the Rome Statute gender

11 UN SDG 5: Achieve gender equality and empower all women and girls <https://sdgs.un.org/goals/goal5> (05/03/2022)



Sexual Violence refers to any sexual act or attempt to obtain a sexual act, or unwanted sexual comments or acts, that are directed against a person’s sexuality using coercion by anyone, regardless of their relationship to the victim, in any setting, including at home and at work¹². Coercion can cover a whole spectrum of predatory action. Apart from physical force, it may involve psychological intimidation, blackmail or other forms of threat.

Rape Under the Elements of Crimes of the Rome Statute¹³, rape is defined as an act in which “the perpetrator invades the body of a person, resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.” This comprehensive definition has a significant bearing on the way we look at rape and the actions taken against perpetrators of the act.

Sexual Harassment constitutes a form of sexual violence. It refers to an unwelcome sexually determined behaviour in both horizontal and vertical relationships, including in homes, employment (both formal and informal sector), education, business transactions, sporting activities, during detention (lawful and unlawful). Such behaviours could take the form of physical conduct; a demand or request for sexual favours; sexually coloured remarks; displaying sexually explicit pictures, posters or graffiti; and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Gender-Based Violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms¹⁴

Sexual and Gender-Based Violence is a term that combines sexual violence and gender-based violence.

In the TRRC report, sexual violence is defined as “any non-consensual sexual act, a threat or attempt to perform such an act, or compelling someone else to perform such an act on or with a third person. These acts are considered as non-consensual when they involve violence, the threat of violence, or coercion. Coercion can be the result of psychological pressure, undue influence, detention, abuse of power or someone taking advantage of a coercive environment, or the inability of an individual to freely consent. This definition applies irrespective of the sex or gender of the victim and the perpetrator, and of the relationship between the victim and the perpetrator”¹⁵.

The TRRC acknowledges the diverse forms of sexual violence and consequently it is stated in the TRRC report that the commission adopted an expansive view as to what acts may amount to sexual violence. According to the report sexual violence takes many forms and may include:

- *sexual harassment;*
- *rape (including gang rape, marital rape or “corrective”⁸ rape), which includes penetration of the vagina, anus or mouth by any object or part of the body;*
- *compelled rape (committed by a third person compelled to do so);*
- *attempted rape;*
- *sexual assault;*

12 <https://www.svri.org/research-methods/definitions> (11/02/2022)

13 https://asp.icc-cpi.int/iccdocs/asp_docs/Publications/Compendium/ElementsOfCrime-ENG.pdf (05/03/2022)

14 UNHCR, <https://www.unhcr.org/gender-based-violence.html> (11/02/2022).

15 TRRC report Volume-10-Sexual-and-Gender-Based-Violence



- *anal and vaginal virginity tests;*
- *forced marriage;*
- *forced pregnancy;*
- *forced sterilization;*
- *forced abortion;*
- *forced prostitution;*
- *forced pornography;*
- *forced nudity;*
- *forced masturbation and any other forced touching that the victim is compelled to perform on himself/herself or a third person;*
- *human trafficking for sexual exploitation and slavery;*
- *castration, forced circumcision and female genital mutilation (FGM);*
- *threats of sexual violence used to terrorize a group or a community;*
- *causing someone to form reasonable apprehension, or fear, of acts of sexual violence;*
- *humiliating or mocking a person based on their perceived sexual orientation, gender identity, sexual performance, sexual reputation, sexual choices, sexual activity (or lack thereof), or sexual body parts;*
- *punishing someone for refusing to engage in sexual activity;*
- *having someone undress completely or partially, including the removal of headwear in cultures where this has a sexual implication, or requiring them to wear clothing with a sexual association;*
- *preparing a person to engage in sexual activity with a third person.*
- *violent acts to the genitalia (such as burning, electrical shocks or blows);*

The TRRC's expansive view of what may amount to sexual violence is believed to have been enriched by the testimonies of victims who were subjected to these types of sexual violence. It removes any doubts and possible misinterpretation of the nature of these acts in cases for prosecution and redress, both during the period covered by the commission's investigations and in the future.

This report therefore adopts the TRRC's diverse classifications of SGBV in recognition of the Gambian socio-cultural context and crimes committed during the Jammeh Presidency.

3.2 A NOTE ON TRANSITIONAL JUSTICE

Transitional justice (TJ) looks to the future and the past, to create a record of the wrongdoings that occurred in the past, recommend possible remedies, as well as set the stage for a more peaceful and human rights-respecting society in the future. This is usually done through, truth commissions, tribunals, reparations and different reform processes.¹⁶

The Truth Reconciliation and Reparations Commission is one of the TJ mechanisms adopted by The Gambia after Jammeh's departure from power. One of the main challenges that women face

¹⁶ Gender Violence in Truth Commissions GVTC [Gender Violence in Truth Commissions \(GVTC\): An introduction to the database by Jessica Anania :: SSRN](#) last visited on the 20th day of December 2021.



in transitional justice, is that the context within which violations occur and its gendered nature is often not recognized, and violations perpetrated against women during the periods that give rise to the need for transitional justice, are often seen as too controversial and as such gender-based violence against women is often not given the attention it requires¹²

Transitional Justice recognizes that violations do not occur in a vacuum, and it therefore seeks to connect incidences of violence to the conditions that create and perpetuate them. It acknowledges that concerted effort is needed to end the underlying conditions such as poverty, appeasement, trauma, homophobia, gender inequality etc. to end sexual and gender-based violence. To do so, one has to identify and develop strategies to transform harmful, entrenched socio-cultural gender dynamics that pervades society.

The starting point is an honest appraisal of the status of women and girls in The Gambia to determine what needs to change and the types of intervention needed to eradicate the root causes of inequality and exclusion. If properly utilized, TJ should have a catalytic effect towards addressing the ongoing and frequent occurrence of gender-based violence in all its forms in Gambian society and accelerate the empowerment of women and girls and gender equality¹²

“I am a direct victim of sexual violence by Jammeh and yes, it is important that the truth is known about Jammeh’s sexual abuse of women. But the TRRC will not do justice to Gambian women if incidences of sexual violence are associate to Jammeh’s 22 years of dictatorship alone. Many women experienced SGBV before 1994 when Jammeh took over and incidents of SGBV continue to affect Gambian women. We must acknowledge and address that...”

(Fatou Toufah Jallow)

CHAPTER 4

OUTREACH METHODS AND TECHNIQUES

WILL worked with influential local actors at the community level to deepen the understanding of the root causes of violence and oppression and promote community ownership by involving communities in every activity. Working directly with communities helps to spread the TRRC messages, findings and recommendations, carrying its messages and lessons home to family and community in a sustainable way. WILL adopted different techniques to ensure that communities, especially women, took part in the Gambia’s Truth -Telling Process.

WILL recognised that women’s participation is vital to the success of the TRRC. Once women break away from the culture of silence around SGBV they become liberated through sharing experience and gaining strength from peer solidarity to open up to participating in the TRRC and the broader transitional justice process to achieve gender equality. Different techniques were used by WILL to unlock women’s participation.



4.1 COMMUNITY DIALOGUES

WILL's gender justice program intended to bring out the experiences of women and girls and also to use the opportunity that the holistic approach of Transitional Justice provides to engage entire communities in the fight against gender injustice and SGBV, with women at the forefront of the fight.

The dialogues are usually attended by a mixed group of people from the communities, usually 30-100 participants. As part of the dialogue WILL shares information about the TJ process in The Gambia as well as general information around the TRRC, including the different ways to participate, the support available to victims and how to contact the TRRC and participate in the process. The events were also used to gather feedback, recommendations, and suggestions to the TRRC, to carve better victim-centered approaches and increase victim participation. The dialogues also allowed communities to talk about the violations they experience within the comfort of their own setting.

Each dialogue had a host who was selected by the community and given the responsibility to chair the dialogue. The host will work closely with a facilitator and together they will direct and coordinating the discussion, making sure that the group remains focused.

The community dialogues successfully engaged men to talk about SGBV and social discord during the period investigated by the TRRC, for example the distrust and separation of once cohesive communities after the 2009 Witch Hunt Exercise, and awareness that they are both part of the problem and the solution, and they therefore need to play a part in supporting victims, promoting social cohesion, and eradicating gender injustice.

4.2 LISTENING CIRCLES

The Listening Circles were introduced in the Transitional Justice process in The Gambia by WILL, as a means of overcoming the barriers that hinder female victims from sharing their SGBV experiences. In Gambian tradition, when men and women are mixed in a group, the men tend to do most of the talking. The fear of stigma, victim blaming, and retaliation also makes it difficult for women to share their experiences, especially in the presence of men. To overcome these barriers WILL adopted the approach of WOMEN ONLY LISTENING CIRCLES to facilitate women's participation in The Gambia's Transitional Justice process.

WILL conducted the women only Listening Circles across the country, targeting both rural and urban areas, creating safe space environments for women and girls to listen to each other and share their painful SGBV experiences in an atmosphere of confidentiality and equality. The Listening Circles were held on a small scale, with the consent of the communities, to ensure flexibility and adaptability and to fully maximise effectiveness and protection of survivors from possible shame and stigma.



To popularize the method and maximise synergies, other victim support and women led organisations were invited to take part in the Listening Circle events. WILL worked closely with the TRRC women's affairs unit and on many occasions they attended the Listening Circles together with some of the female commissioners and female council members. WILL worked closely with women councillors at community level to ease coordination, maximise participation and encourage community ownership. Each listening circle had a female host who was selected by the community and given the responsibility to open and chair the event. In most communities the dialogues were held in local languages with the help of an interpreter.

Trained personnel from WILL were included in the Listening Circle team to provide psycho-social support (PSS) specially tailored to victims of trauma and highly sensitive cases. In this way victims were helped to deal with the latent pain kept in the dark chambers of trauma, through immediate assistance but, crucially, also ensuring that participants received follow up care when needed. WILL engaged both the TRRC and Gambia Center For Victims of Human Rights Violations beyond the Listening Circle events to facilitate the provision of psychosocial support, as part of the support given to victims.

Prior to conducting each listening circle event, a process workshop was held to sensitise the partners and participants on the objectives, methodology, confidentiality, containment and procedure of the listening circle. At the start of each Listening Circle event, participants had the opportunity to meet and greet each other and exchange information on the Transitional Justice processes and procedures, with a particular focus on the TRRC, before the dialogue began.

For each Listening Circle event, two members of the WILL team were designated to take notes and capture the pertinent points, issues and concerns raised by women about the TRRC process. This was then fed back to the TRRC with recommendations for action. The Listening Circle coordinator is responsible for coordinating the event from the planning stage to follow ups. The Listening Circle Director keeps the group focused and leads the content and synthesis aspects of the event.

One absolute rule for the Listening Circles is the prohibition of recording of voices and taking photos of participants without their consent. Participants were made aware that the dialogue will be recorded (in writing) and they were reassured that their identities will be protected, unless they volunteer otherwise. Participants were also informed that part of the information collected will contribute to a final shadow report representing the voices of women and marginalised groups. All participants were made aware that their participation was voluntary, and they were encouraged to share what they felt they could emotionally deal with.

The Listening Circles gave women the opportunity to share and process their personal and collective experiences during Jammeh's era and in their lives. The experience helped them gain a shared sense of understanding and emotional connection as well as a deeper understanding of the complex socio-cultural barriers that stand in the way of women's liberation and gender equality in The Gambia.

The Listening Circles contributed immensely to women embracing the Transitional Justice process, including participation in the TRRC, and they opened doors to hitherto unexplored emotional boundaries and opportunities to engage women in the fight for gender justice at all levels and layers of Gambian society.



4.3 THE ATAYA CHAT

Ataya is one of the most consumed beverages (a hot and sweet beverage made with green tea and served in small glass teacups). Usually, young men gather around the person brewing the tea in groups and drink Ataya while having conversations on current issues in their communities or the country in general. The daily brewing sessions are more of a social gathering among groups of Gambian youth, especially in the urban conurbation areas.

Ataya sessions are well known for bringing youth, especially boys and young men together, and in some cases young women would join in. WILL saw the Ataya sessions as an opportunity to bring young boys and men together to engage them in conversation on SGBV during the course of the TRRC hearings. Communities in both rural and urban areas took part in the Ataya Chats, with WILL staff in attendance, utilizing the experience and skills learnt from the community dialogues and Listening Circles to facilitate and guide the conversations.

To allow for a meaningful conversation, the Ataya Chats are kept in small groups of no more than 15 people. The WILL team worked closely with community youth leaders as focal points, who also helped with coordinating and facilitating the discussions. All participants would give consent and be briefed on the project objectives and modalities before the start of the discussions. During the Ataya Chat session, WILL would share information on the different forms of SGBV, especially those that are prevalent in The Gambia and mentioned in TRRC testimonies, thus linking the conversation to the Truth Commission, human rights, and accountability. The chats are open for all participants to contribute. A dedicated member of the team will take notes and prepare a short report taking note of common themes from other sessions and lessons learnt.

4.4 TRADITIONAL COMMUNICATORS – THE KENELENG WOMEN

Traditional communicators are very influential in Gambian communities and have been known to use their voices to raise awareness on many taboo subjects such as and Female Genital Mutilation (FGM), teenage pregnancy, contraception, Sexually Transmitted Infections (STIs) and other issues affecting their communities. The Kanelengs have developed creative ways of bonding and messaging to overcome grief and misfortune through, self-deprecation, drama, songs and comedy. They can create songs based on a message or story within minutes. Their ability to intersperse songs with strong messages and juxtapose light humour with grief makes them an ideal choice for communicating the messages of truth, healing and reconciliation.

For the past two years, WILL has engaged Kaneleng women across the country and provided them with information and training around the Gambia's Transitional Justice, with a particular focus on the TRRC and to raise awareness on the prevalence of the different forms of SGBV. During the course of their engagement with WILL the Kaneleng women have become true ambassadors of the fight against SGBV and a strong pillar of support for victims. They have played a key role in encouraging women to share their experiences and take part in the TRRC. Their messages of reconciliation and rebuilding fragmented communities have been resounding and well received by victims and communities. Leveraging the partnership that has already been developed between



WILL and the Kaneleng groups, the key messages and recommendations on SGBV from Community Dialogues, Listening Circles and Ataya Chats will continue to be disseminated through the power of Kaneleng advocacy, among other means. As such the Kanelengs will continue bringing the different messages of gender equality and TJ to communities across the country.

CHAPTER 5

LEGAL CONTEXT

The 1997 constitution of The Gambia under Section 17 provides for the protection of the fundamental human rights and freedoms of all persons in The Gambia, irrespective of their colour, race, gender, language, religion, political or other opinion, national or social origin, property, birth or other status. However, these provisions have been weakened by subsection 5, which recognises both customary and Shari'ah as the applicable personal status laws. In many cases, the application of these laws is not favourable to women and girls.

The Gambia ratified a number of key Regional and International Conventions and Protocols including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights (African Charter), African Charter on the Rights of Women in Africa (Maputo Protocol), The Convention on the Rights of the Child (CRC), Optional Protocol to the Convention on the Rights of the Child on the sale of children, Child Prostitution and Child Pornography, the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and the Office of the High Commissioner for Human Rights (OHCHR) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1994). The Gambia also ratified the Rome Statute in 2004 and is a State Party to the International Criminal Court (ICC). The Rome Statute enumerates a broad range of sexual violence and gender-based crimes as crimes against humanity in Article 7(1) (g).

In 2010, The Gambia domesticated all the legal provisions of the National Policy for the Advancement of Gambian Women and Girls, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in a legislation known as the Women's Act 2010. **The Women's Act defines discrimination against women as "any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life".** The introduction of the Women's Act was welcomed by women's rights advocates in The Gambia as a milestone in the empowerment of women and girls in the country.

The Women's Act prohibits any form of physical, sexual, psychological, or economic harm, suffering or violence occurring in public or private. Furthermore, The Sexual Offences Act criminalizes every form of sexual assault, exploitation and harassment against women. The Act also widens the definition of sexual assault to account for non-consented sexual acts and seeks to



facilitate the path to prosecution, including retrospective persecution in cases where the perpetrators evaded justice before.

Whilst the women's Act provides that every woman is entitled to equality and justice before the law and to equal protection of the law with provision of Legal Aid, many women, particularly those in the rural areas do not know their rights and lack understanding of the law. The prevailing culture of silence, adherence to cultural and domesticated religious norms, coupled with a lack of understanding of the law, makes it difficult for women to take advantage of this legislation. Despite the strong position of The Women's Act 2010 on equitable representation of women in decision-making positions, women are still underrepresented in all decision-making and leadership positions in the country. For example, there are only 3 elected female MPs in the National Assembly and 4 female cabinet ministers out of 23. Women representation in Local Government also remains very low.

The Women's ACT 2010 represents a progressive advancement of women's rights on paper, but its definition of rape does not apply in marriage. Furthermore, its impact is severely hindered by lack of implementation.

Jammeh was seen as a president who supported girls' education and women in leadership by appointing the first female vice president, but the evidence from the TRRC shows that these were mere ceremonial appointments and appeasing commitments. One classic example is the case of Female Genital Mutilation (FGM). In 2015, Jammeh enacted a law that criminalises FGM, however for many years Jammeh publicly condoned the practice of FGM on Gambian women and girls and made public announcements of his support for the practice, accusing westerners of trying to pollute African culture. His message reinforced society's tolerance and support for FGM. Despite his government's banning of the practice, FGM continued to be widely practice to this day, partly due to his legacy of contradictions.

During WILL's community dialogues both in rural and urban areas, communities have expressed their desire for the law banning FGM to be repealed. Many advocates for repealing the law argue that they were not consulted and that Jammeh abused his powers to force the law on Gambians. Well after his departure from power, the practice continuous and FGM cases are not being reported, nor are perpetrators prosecuted. There is also clearly, support for its continuation among men, boys and older women. Younger women generally do not want the practice to continue, however, many young women that WILL had spoken to, reported that they tend to find it difficult to talk to their parents about the practice as it is a subject that remains a taboo despite its harmful effects on women and girls.

It is important to note that Jammeh's government was credited for the enactment of many laws which are supposed to protect the rights of women and girls. Yet Jammeh himself and many senior personnel in his government, such as former interior minister Ousman Sonko and head of security David Colley, were found to be responsible for several sexual violence abuses towards women and girls by the TRRC.



CHAPTER 6

THE STATUS OF WOMEN AND SGBV IN THE GAMBIA

6.1 THE GENDER CONTEXT

The Gambia is a patriarchal society where men occupy an elevated status compared to women. Generally, in traditional Gambia families, the woman is expected to stay at home to raise children and take care of the home and the family. They are underrepresented in decision making positions at the community and national level. On the other hand, men are the heads of the family at the home, and they occupy decision making and leadership roles at the community and national level. While boys are encouraged to seek education and go out to discover the world beyond the confines of the home, girls tend to be encouraged to stay at home. Although these trends are gradually changing in modern Gambia, the inequality of men and women is visible at all levels of Gambian society.

Gender inequality has a serious impact on the lives and livelihoods of women and girls and society at large. For example, literacy levels among female adults are relatively low (40% compared to 64% for men¹⁷). Thanks to compulsory primary education, the primary school enrolment gap has largely diminished in recent times. However, a pyramid structure quickly develops from primary to secondary and tertiary education, with fewer girls achieving higher education. Despite clear evidence that girls generally outperform boys in primary schools, access to secondary, tertiary, and vocational education is low for girls, men make up 71% of all enrolments¹⁸. A contributing factor to this is that many girls drop out of school because of forced early marriage, teenage pregnancy, and lack of encouragement to pursue secondary and tertiary education.

Although women constitute more than half of the entire population of the Gambia they only constitute 36% of the employed population¹⁹. The formal sector, consisting mainly of the Civil Service, employs only 21% of women. The majority of women work in the informal sector. WILL's engagement with women across the country in both urban and rural area has revealed how women had to step up as head of households after their husbands were murdered, disappeared or imprisoned. And as life became more difficult and families struggled to pay for the education of their children, the education of the girl child was sacrificed to give boys a chance to education, in line with existing socio-cultural norms.

A young woman in Foni who attended a women-only listening circle shared this (reproduced verbatim): *“When my father disappeared, my mother had to look after me and my siblings. We live here in Foni where many people in the community love Jammeh. So, it was like, we could not talk about the fact that it was Jammeh’s men who came to take my father away. My mother used to take a wheelbarrow and gather some gravels and sand to sell to people building houses, so she can earn a bit of money to feed us. It was a very difficult time. My mother worked very hard to support us during this time but in the end I had to scarifies going to school to give my younger siblings a chance to have a basic education especially my only brother. I got married and now I am divorced with 3 children.....”*

17 The Gambia: Country Gender Profile, AfDB (October 2011)

18 The Gambia: Country Gender Profile, AfDB (October 2011)

19 The Gambia Labour Force Survey 2018



Despite the existence of laws to promote the participation of women in decision making and leadership, women continue to be underrepresented in key positions of authority in the public and private sectors. Women Led organisations continue to advocate for the government to implement the quota system to guarantee women 30% of key positions in government. A recent bill tabled at the National Assembly (February 2022) that sought to accelerate action for the 30% quota for women by guaranteeing a quota at the National Assembly as a starting point and making it mandatory for political parties to nominate more women as candidates for National Assembly and local government elections, was prematurely dismissed.

More women are beginning to ask for a fair share of representation: During consultations with women and girls across the country by WILL, many women expressed their desire to see more women in decision-making positions. Women lamented the presence of gender inequality at all levels in Gambian society and express a desire to see the 30% representation law implemented without delay. However, they were all quick to highlight the many barriers that continue to affect women's participation such as low level of education, socio-cultural attitudes towards women taking up leadership positions as well as economic barriers.

6.2 SEXUAL AND REPRODUCTIVE HEALTH

The high rate of early marriage, teenage pregnancy, low level of reproductive healthcare and education of girls are all strong indicators of the low status of women and girls in a country. Child marriage and Female Genital Mutilation (FGM) remain highly prevalent amongst women and girls and both practices are deeply rooted in traditional gender norms that continue to negatively affect the health and development of Gambian women and girls. FGM is a form of gender-based violence that affects the sexual and reproductive health and rights of women and girls. This harmful traditional practice involves the partial or total removal of external female genitalia or other injury to the female genital organs for non-medical reasons.

Available data show an estimated 76% of women and girls who have reached reproductive age had undergone FGM, whilst 30% of women aged 20 to 24 years are estimated to marry before the age of 18. Households in the poorest communities have the highest rates of child marriage at 49.2%. It is estimated that 18% of girls aged 15-19 have children or become pregnant with their first child (UNICEF 2016, UNFPA 2015, DHS 2013).

Access to Sexual and Reproductive Health (SRH) services and information for adolescent girls has always been a critical issue in The Gambia. A commonly held view is that providing adolescents with information about their sexual and reproductive health will encourage early promiscuity. Intergenerational conversations around sexual and reproductive health are thus almost non-existent in Gambian society.



WILL's Listening Circles with young women and girls indicated that conversations around Sexual and reproductive rights and women's bodies hardly take place in families. Young women often remark that they cannot talk to their parents about sexual health. Some of the girls reveal that when they first experience menstruation, the only advice they received from their mothers or elder sisters is that if they get close to any man they will get pregnant. It is clear that many adolescent girls are not adequately informed on consent and how to recognise the signs of abuse or make informed decisions around their sexual and reproductive health. This leaves them vulnerable to deception, coercion, sexually transmitted infections, and unintended pregnancy.

The low status of women and girls in The Gambia is further manifested in the high rate of maternal mortality (433/100,000)¹⁴ and limited access to contraceptives (only 9% among married women). The issues of high maternal mortality and woefully inadequate care for pregnant women were raised in all our community dialogues and Listening Circles across the country.

According to one of the participants in a WILL event (reproduced verbatim): *“women are dying like flies because they are giving lives... sometimes when women go in to labour and they need to be sent to big hospitals our clinic will tell us that they don't have fuel to transport the women. The families will then have to go and find money to fuel the ambulance. Sometimes they do not have it and sometimes it's too late by the time they can sort it...This is very wrong”*

6.3 HIV AND GENDER

The 2014 preliminary National HIV Sentinel Surveillance estimated the HIV prevalence in The Gambia at 1.4% (88 out of 6120) among pregnant women aged 15-49 years, which, according to WHO, is a generalized HIV epidemic²⁰. HIV has a gender dimension. Women and girls are especially vulnerable to HIV due to their lower socio-economical status and the unequal power balance between men and women. Men and women should be able to take decisions on their sexual health and take responsibility for the consequences of their sexual behaviours. However, in the Gambia, the imbalance of power between men and women often takes away women's financial independence and the power to make decisions to protect themselves. SGBV crimes, especially rape, exposes women and girls to HIV, and if untreated leads to AIDS, which can be deadly.

In summary, gender inequality remains a barrier for women and national development. The Gambia ranks 148 out of 162 countries in the United Nations' Gender Inequality ranking system, which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity

20 The Gambia Bureau of Statistics. 2019. The Gambia Multiple Indicator Cluster Survey 2018, Survey Findings Report. Banjul, The Gambia: The Gambia Bureau of Statistics. Available here: https://mics-survey-prod.s3.amazonaws.com/MICS6/West%20and%20Central%20Africa/Gambia/2018/Snapshots/The%20Gambia%202018%20MICS%20Statistical%20Snapshots_english.pdf (last accessed 17 February 2020).



CHAPTER 7

THE EFFECT OF JAMMEH'S REGIME ON THE STATUS OF WOMEN AND SGBV

7.1 ESCALATION OF SGBV AND ITS IMPACT ON WOMEN AND SOCIETY

Evidence gathered globally shows that crisis [and thus departure from the ways of life that guarantee the fundamental principles of freedom and human rights of citizens] exacerbate gender inequality and places women, girls, and other vulnerable people at an increased risk of SGBV (UNHCR, 2020 and UNFPA, 2020). It therefore comes as no surprise that Jammeh's 22 years of authoritarian rule exposed women to more violence.

The TRRC investigations and witness testimonies indicate that sexual violence was often perpetrated either as the main objective of certain human rights violations or it was used as an instrument of control against people particularly women and girls who were disproportionately affected, through programmes like the *scholarship pageant, 'protocol girls', rape and sexualized torture by state security personnel, witch hunt exercise, Presidential Alternative Treatment Program etc.* these were reinforced by structural and cultural barriers which perpetuate abuse and violations of women's and girls' rights.

The extent and severity of SGBV under Jammeh reached new heights. Witness testimonies confirm what many Gambians knew but feared to acknowledge openly, that people held at the NIA and prisons were subjected to torture, sexual harassment and rape, including gang rape. The testimonies also demolished the myth that many people held, namely that the tortures at the institutions of coercion were carried out by non-Gambians, erroneously believing that Gambians could not have carried out such acts of extreme brutality. Indeed, the testimonies revealed that the SGBV crimes and other crimes committed at state institutions of coercion were committed by Gambians. The extent of brutality narrated by witnesses were chilling and disgusting. Witnesses described insertion of objects into women's private parts, electric shocks on private parts, crushing of testicles to castrate men, among other acts of brutality. These acts of SGBV can only be interpreted as deliberate acts intended to dehumanise the victims and instill fear in them and the wider population. In most cases victims received little or no medical care afterwards.

Revelations from Listening Circles attended by security personnel confirmed that women held in detention were subjected to severe sexual violence. It was however found that even female officials found it just too difficult to talk openly about rape and other forms of SGBV, but they did in the end. One security personnel recalled (reproduced verbatim):

“these men will come in the middle of the night, they were not wearing uniforms and they would refuse to sign the book and leave any records. They would have a list of names of female inmates. They will go collect these women and take them away for hours and then bring them back. When these women returned, they will be in so much pain...they will be unable to sit down or even walk.....”



Another female officer recalled (reproduced verbatim):

“we would hear the women crying when they are returned and because we are women we feel their pains too. It was us the female prison officers that would go and warm water and help the women to soak in it to help soothe the pain in their womanhood.... Seeing that has left so many of us traumatised”

The rape of women during detention was often reported by female victims. The victims who took part in the Listening Circles found it difficult to retell these stories. One participant shared (reproduced verbatim)

“in the middle of the night we would sit inside our cells and hear the footsteps. When the steps got closers we closed our eyes and prayed that they will not stop at your door. And when they stopped at your door you know it was your turn that night...”

The female prison officials also revealed that women officers are seldom given senior positions by merit, and often their superiors would expect sexual favours in return for promotion, a practice they claim still exist within the security sector and was captured in the TRRC report for redress.

Similarly, SGBV became widespread in other institutions because of impunity. Men armed with power and impunity indulged in SGBV crimes. Victims lived with the burden of shame when they return to their communities, fearful and traumatised. Some of the victims of rape gave birth to children conceived during the criminal act and have to reconcile the love borne out of the biological bond with their children with the psychological burden of raising these children. What will they tell them when they ask who their fathers are?

The institutionalisation of SGBV crimes created a new layer of SGBV on top of the layer that already prevailed within society, a layer borne out of fear and helplessness in the face of absolute power, and left deep ugly scars in victims and society at large.

Jammeh’s 22 years era worsened the status of women and created many layers of impact. During an Intergeneration Listening Circle²¹ conversation, a young woman in the Greater Banjul area shared a story that illustrates this multi-layer effect (reproduced verbatim):

“I was in grade 8 when my father was sent to prison. By the time I reached grade 9 my mother could not afford to pay for my schooling. I used to do very well in school. But you know those days if your family was in trouble with Jammeh no one wanted to be close to you. All our friends and relatives started avoiding us. So, we could not go to anyone for help. Those we went to did not help. So, I dropped out of school and when I was 16 I got married.....”

The revelations suggest that the scale and impact of SGBV violations during Jammeh’s era may be seriously underestimated, which may affect recommendations in relation to perpetrators of sexual violence and the reparation programs for victims of SGBV.



7.2 EFFECTS OF THE PRESIDENTIAL ALTERNATIVE TREATMENT PROGRAM ON WOMEN

Former President Jammeh declared that he had received a “mandate from God” to cure HIV/AIDS and asthma and so in early 2007 he started the Presidential Alternative Treatment Program (PATP). Witness testimonies from the TRRC show that over three-quarters of the participants in the program were female (Testimony of Fatou Jatta, 15 July 2020). The TRRC also reported that Jammeh made several public statements that he had been treating HIV and asthma since 1994 and that “many people have been treated in silence or under strict conditions of confidentiality”. In their report, The TRRC highlighted that due to the stigma associated with HIV [and the vulnerability of women], it is highly likely that more women have been subjected to Jammeh’s bogus treatment.

Victims of Jammeh’s PATP took part in the Listening Circles to share their stories and some of the participants were supported to take part in the TRRC process. Fatou Jatta who later testified at the TRRC was one of the participants. Other participants in the Listening Circles corroborate Ms. Jatta’s testimony. They confirmed that during the treatment, Jammeh asked them to take all their clothes off and wrap themselves in towels. As for the cameras that were always present in the room, Jammeh told them that the videos were for his own personal use, only for their identities and the recordings of the PATP to be aired on television. One participant told the story of how she was massaged (reproduced verbatim):

“..Oga [meaning Jammeh] himself will do the massaging, he will start from here (touching the top of her head) and go all the way to your toes. He touched you everywhere including inside your private parts”

Victims revealed that when they were released, they were scared to go back to health care facilities for treatment, fearing detention. Similarly, other people who were HIV positive didn’t want to seek medical help because they feared being arrested and forced into the treatment. Due to this fear many people stopped accessing these healthcare facilities and didn’t take their ARVs, which ultimately resulted in the death of many unknown People living with HIV (PLHIV).

During the Listening Circles the women shared bittersweet memories of how they developed a bondt among themselves. They also lamented that during their detention the security men that were guarding them sexually harassed and violated them. Jammeh’s claim to cure HIV had other impacts on society.

Jammeh’s claim to cure HIV also affected the country’s engagement with the scientific community and development partners. Advocacy, awareness raising, research and funding towards HIV in the Gambia came to a standstill as many feared that conducting any advocacy or work that questioned or contravened the PATP could result in detention, torture and death. This will have had a huge impact in the country’s fight against the spread of HIV infections and support to PLHIV.

The victims of Jammeh’s PATP continue to live with the stigma, shame and health consequences. Participants in the Listening Circles revealed that many victims had to move away from their communities, some even relocated to Senegal due to the backlash and their communities’ reaction towards them. One woman explains her ordeal (reproduced verbatim):



“In my community even if my smallest child got into a fight with another child they would reminded them that their mother has HIV.... Also, you know people believe that having this illness means that you are looked at differently as a woman... people think you have been sleeping with many men, and that’s why”

7.3 EFFECTS OF THE WITCH HUNT EXERCISE ON WOMEN

Since the inception of WILL’s gender justice program, One of the communities WILL worked closely with is the community of Sintet. Sintet is a village in Foni which was severely affected by Jammeh’s witch hunt exercise, the effects of which has divided a community which was once closely knitted with people from different ethnic groups living in harmony. On one faithful day in 2009 a group of men and armed soldiers, paramilitary officers and “Green Boys and Girls²²”, who assisted the witch hunters to capture their victims, marched into the village and arrested several people and accused them of being witches and wizards, forcing them to drink a cocktail of toxic herbs.

Will’s Listening Circles and community dialogues in Sintet revealed that similar to the PATP, Jammeh’s witch hunting had a gendered dimension in Sintet. The Gambia is a superstitious society that upholds supernatural beliefs and powers. It is very common for women, especially those who are older and poorer to be accused of being witches. The “witch hunters” arrived at a time when most women would be at home cooking and doing their household chores. Also, women were less likely to run away and leave their families behind. As a result of all the above, more women were arrested in the community of Sintet than men. Women who took part in the Listening Circles shared some of their experiences during the exercise in Sintet and also what they endured in Kanilai, where they were taken to (reproduced verbatim):

“My daughter in law was heavily pregnant at the time. When they came to our compound and arrested me, she had a big shock and was trying to run away. She was crying badly. After that she started bleeding and she was taken to Bwiam hospital. She gave birth, but the baby died. Since then, my daughter in law has not been able to conceive.... There is a lot of talks about her here. Some people even accuse her of being a witch, and say that’s why she can’t bear children...”

“We were taken to Kanilai for days and we were asked to confess that we were witches.... I refused. They kept giving us the “Kubehjaro” ... and I kept loosing consciousness and vomiting. They made us undress like the way we were born....she cries.... The things that happened there I will never forget....”

Women participants in the Listening Circles also reported that during their detention in Kanilai they were denied access to toilet facilities. They were also denied prayers and water to wash themselves. They were undressed and the cocktail of toxic herbs that they were forced to drink was also sprinkled into their eyes and robbed all over their bodies. Most of the women reported that they fell unconscious and could not recall parts of what happened to them.

Women often said that what happened to them during that time is something they can never repeat but also can never forget, until they die.



7.4 MISS JULY 22ND SCHOLARSHIP PAGEANT AND PROTOCOL GIRLS

The TRRC heard evidence about the Miss July 22nd Scholarship Pageant and Protocol Girls schemes, which were used as an opportunity to prey on young girls. According to the TRRC “... former President Yahya A.J.J. Jammeh targeted young girls who came from poor families and would entice them with gifts, promise of scholarships to study abroad, propose marriage and promised support for their impoverished families. He targeted students who took part in the “22nd July Beauty Pageant²³”. One of such victims is h Jallow, who gave a detailed account of her abuse by Jammeh at the Statehouse.

The “Protocol girls” were another group of young girls who were sexually exploited. They were carefully selected through a recruitment process and appointed to work at the Statehouse, some were even lodged at the Statehouse. According to the TRRC report “he [former President Jammeh] established a system of recruiting young women as “Protocol girls” who were sexually exploited. They would travel with him; some were housed within the State House compound and they were on the state payroll as State House employees. Some of the girls were required to go into Jammeh’s room and he sexually abused them..... When he came to know they were pregnant, they were required to abort the pregnancies, they were fired from their jobs²⁴”.

Both the Miss July 22nd Scholarship Pageant and Protocol Girls schemes reflect the deeper gender injustice and institutionalization of SGBV under Jammeh. These young girls and their parents were coerced to take part in these undertakings, in the believe that these were opportunities to lift themselves out of poverty. As for former President Jammeh, he had the power to do as he wished, using state resources and power, to exploit the vulnerability of these young girls.

As a result of Jammeh’s powers and his brutality these young women and their parents, who were mostly poor, could not have consented, due to the power dynamics that existed.

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CHAPTER 8

CONCLUSIONS AND RECOMMENDATIONS

8.1 CONCLUSIONS

The prevalence of SGBV in The Gambia is rooted in the patriarchal system that defines roles for men and women, from a very early age (gender roles), in a manner that translates into power and control over resources for men and less opportunities for women (gender inequality). Socio-cultural norms and practices, including traditional ones, and those derived from patriarchal interpretations of religion and beliefs reinforce the acceptance of gender roles through a culture of silence and subservience, thus creating room for the abuse of women, girls and men who do not fit in society's gender narrative, by men.

In The Gambia, women suffer from gender injustice in many forms ranging from FGM, early marriage, domestic violence, SGBV, poor maternity healthcare, lack of access to education and finance etc., to low representation in decision making and leadership roles. Whilst Jammeh introduced laws that in theory should have improved the welfare and status of women, these laws, and his appointment of a few women to high offices in government did not positively impact the lives and livelihoods of women. Instead, the total usurpation of power and institutionalization of SGBV and its common perpetration in public institutions, including the Office of The President, as evidenced in testimonies of victims at the TRRC, has in fact exacerbated SGBV crimes during his presidency.

In the new dispensation of The Gambia, that emerged after the democratic election of President Adama Barrow as the presidential candidate for a grand coalition of political parties in 2016, institutionalized torture and SGBV practice in public institutions has diminished, if not eradicated. The TRRC report has recommended prosecution for former president Jammeh and some of his associates, for different charges, including SGBV crimes. Now, The Gambia has a unique opportunity to rebalance the gender narrative and embrace the path to gender justice, in the interest of protecting the rights of women to have choices to pursue fulfilment and happiness in their lives, peace, stability and national development.

The TRRC recommendations, if implemented, will bring closure to victims of institutionalized, state sponsored or state condoned SGBV crimes committed during Jammeh's presidency. The recommendations aimed at achieving the broader gender justice goals, in accordance with international aspirations through the United Nation (SDG5²⁵), the African Union and ECOWAS, and embedded in international and Gambian law, will go a long way to dismantling the barriers that hinder the attainment of the full potentials of women, abating the vulnerabilities that make women susceptible to abuse and SGBV, and empowering women to take their rightful place in the leadership of The Gambian nation and, by extension, the international community of nations.



There are two main components to the fight for gender equality; the legislative and implementation component and the socio-cultural component. The former deals with the enactment and implementation of laws to protect the rights and empowerment of women, the later comprises the engagement of civil society to rebalance the norms and practices of society in favour of gender equality. Civil society organisations have a role to play in both, through advocacy and direct engagement with government, international partners, and communities. Women must take the lead in this liberation and leadership struggles of women both individually and through organisations, for the history of human development has shown that the most assured path to success is to take action rather than wait for success to be delivered on a silver platter.

8.2 RECOMMENDATIONS

WILL took the initiative to submit a set of recommendations to the TRRC, which they have included as an appendix to their final TRRC report. The recommendations were based on the work WILL has conducted on Transitional Justice, in parallel with the TRRC's work. For completeness and ease of reference, these recommendations are restated below.

1. To create a legislative framework that enhances and enforces existing legislations intended to protect women such that women will be protected and safe at the workplace, home and in public spaces. This will encourage women to report incidents of SGBV, safe in the knowledge that the law will afford them adequate protection and justice, regardless of misconceived social, cultural and religious interpretations and practices.
2. Review national laws such as the Women's Act and the Personal Law with a view to removing all provisions that are discriminatory to women and girls.
3. Amend the Sexual Offence Act of 2013 to pass legislation prohibiting direct or indirect sexual harassment.
4. To create a legislative and social framework that will prevent malevolent political interference in communities, by limiting political and administrative authority at community level through workable checks and balances that are rooted in the spirit of community cohesion.
5. Amend legislations to decriminalise homosexuality and same-sex activities between consensual adults, including the Criminal Code Article 144.
6. Ensure that victims of SGBV are provided with adequate reparation and support, including psycho-social support, post TRRC.
7. Ensure access to justice for survivors of SGBV and strengthen efforts to end impunity.
8. Ensure all reparation programs are victim-centred and in the case of SGBV assure that reparations are gender-sensitive and devoid of patriarchal patronage.



9. Ensure that communities that have been fragmented and conflicted, such as those in the Foni, are engaged and afforded reparation and a conducive platform for reconciliation to heal and reunite all Gambians.
10. Ensure that all reconciliation programs are derived from broad consultations and community-led from the planning to implementation stage.
11. Intensify programs aimed at raising awareness of sexual and gender-based violence at grassroot level.
12. Adopt measures to empower women are guaranteed gender equity and equal representation in all positions of authority and operational level in the public and private sector.
13. Introduce comprehensive gender, sexual and reproductive health education in schools, to foster awareness of gender disparity and sexual and reproductive health and rights.
14. Intensify efforts to ensure the availability of adequate sexual and reproductive health care services that also caters for the needs of vulnerable groups.
15. Intensify efforts to support and protect vulnerable social groups and communities such as LGBTI and commercial sex workers.