

# Final Report

Thematic Election Expert Observation Mission  
The Gambia Presidential Elections 2021



**WFD**

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# 1. Executive Summary

- Following an invitation from the Independent Electoral Commission (IEC) of The Gambia, the Westminster Foundation for Democracy (WFD) Thematic Election Expert Observation Mission (TEEOM) commenced work on 31 October 2021. The mission's focus was on the rights and opportunities of women, youth, persons with disabilities and other underrepresented groups to participate in the electoral process. It also assessed media freedoms, the role of the media and online coverage of the election campaign. The TEEOM did not deploy observers and so was not in a position to assess the overall integrity of the electoral process but does offer some reflections on other aspects of the process based on its own independent analysis.
- This was the first presidential election since the 2016 vote brought an end to the 22-year rule of former President Yahya Jammeh and it was widely seen as a test for Gambian democracy. The election was contested by six candidates, representing major parties and one independent. Notwithstanding a range of barriers to the full participation of marginalised groups, the campaign was competitive and fundamental freedoms were generally respected. Election day passed without major incident and voters turned out in large numbers.
- The outcome of the election was accepted by most stakeholders and observers. The main opposition party, the United Democratic Party (UDP), filed a petition against the results with the Supreme Court, but this was dismissed by the court on the basis that the petition had not followed proper procedures.
- Following the 2016 election, a number of new laws, including a draft Constitution, were discussed but the legal framework remains largely unchanged and some undue restrictions on freedom of the media and freedom of expression are of concern. Despite this, the media were able to cover the campaign freely and present a critical analysis of the issues. Access to the media is limited in large sections of the country, which may particularly impact women.
- TEEOM media monitoring found that the state broadcaster, Gambia Radio and Television Services (GRTS), covered the campaign in a balanced manner, mostly respecting the legal requirements of equal coverage and providing equal free political broadcasting time to all candidates. The private media's coverage of the campaign was far less balanced, in some cases giving an exclusive focus to the incumbent's campaign, and often not distinguishing clearly between paid and editorial coverage. IEC Media Rules interpret some aspects of the law in an overly restrictive manner, while internal IEC capacity to monitor the media for potential breaches is weak.
- The lively and uncensored character of the online campaign testified to the opening of the democratic space since 2016. These gains would have been amplified had social networks, lawmakers and the IEC undertaken more effective preparation for the campaign. TEEOM monitoring found that inadequate preparation impeded the IEC's capacity to communicate online, which contributed to a partial erosion in public trust. Whilst evidence of complex online manipulation was not observed in this campaign, a lack of understanding of the evolving character of potential online threats amongst the IEC, lawmakers and NGOs poses risks for future elections.
- Gambia has ratified key international instruments regarding women's participation in political and public life and there are no legal provisions that prevent the full participation of women in elections and politics. However, despite women representing a majority of the electorate, a lack of political will to

promote the role of women and the prevailing patriarchal character of society limits the presence of women in decision-making spaces. One woman had indicated her intention to contest the 2021 election, but she failed to complete the nomination process.

- Youth were particularly active in the election, with youth coordinators often giving speeches at campaign rallies and youth activists often responsible for the organization of campaign events and mobilisation efforts during house-to-house campaigns. Youth civil society organisations were also very active in voter education and domestic observation initiatives. Young people, disproportionately young men, were to a great extent the organisers, audience, and subjects of the online campaign.
- Gambia has ratified the Convention on the Rights of Persons with Disabilities and recently passed the Persons with Disabilities Act. There is a lack of data regarding the participation of persons with disabilities (PWD) in political life, but the lack of any special measures appears to limit their involvement in political parties and PWDs were largely absent from campaign events. The IEC allowed people with visual impairments and physical infirmity to enter voting places with a companion. However, reports indicate that many polling places were not appropriate to enable easy access for PWD to vote.

## 2. Mission Information

The WFD TEEOM was conducted at the invitation of the IEC to observe the 4 December 2021 presidential election in the Gambia. The WFD TEEOM commenced work on 31 October 2021, with the objective to assess the role of media and social media and to assess participation of women and inclusivity more broadly on the basis of relevant regional and international standards for elections.

The three-person international team comprised a Gender and Inclusion Expert, who was the Team Leader and was present in the country, as well as a Media Expert and a Social Media Expert, both of whom worked remotely. These experts were supported by a National Election Expert and a National Inclusion Expert as well as two teams of media monitors.

The TEEOM was independent of the WFD office in The Gambia and operated according to best practices for election observation as represented in the Declaration of Principles, to which WFD is a signatory.

Meetings were held with the IEC, media representatives, political parties, CSOs and other national stakeholders, as well as with international observers and other international actors. Activities in the country focused on the Banjul area, as well as in Gunjur, Birkama and Brufut to hear the perspectives of a variety of ethnic groups and parties, as well as the overall campaign environment.

## 3. General Electoral Issues

### Voter registration and general preparations

Logistical preparations for the elections, led by the IEC, were conducted in a generally efficient manner and ran to schedule with no major technical disruptions.

The voter list for these polls consisted of 962,157 registered voters; 56.6% of whom were female. The registration process started on 29 May and, following an extension, concluded on 11 July 2021. The exercise had initial setbacks largely due to minor technical issues, such as laptop and printer breakdowns but these were quickly resolved. Apart from these technical challenges, and some isolated incidents of violence, which forced the IEC to briefly cancel registration whilst the police dealt with the episodes, voter registration generally proceeded smoothly.

The issue of attestation proved controversial. Attestation is a certificate required by the Elections Act in order for a citizen to register to vote without a birth certificate or ID card. A citizen can obtain the attestation from a village head, locally called 'Alkalo' or district chief. As Banjul does not have an Alkalo, the Mayor of Banjul began issuing attestations in the city, but this was challenged in the courts by two CSOs - Gambia Participates and Centre for Policy Research and Development. The High Court ruled in July that the mayor lacked authority to issue attestations, which was further upheld by the Appeals Court.

Documents produced by attestation do not indicate the date of birth but are issued to a person on the basis that they are 18 years of age or will turn 18 on election day. This is a weakness identified by the IEC, as it cannot completely rule out that it may have mistakenly provided voter cards to underage people.

## **Candidate nominations**

Candidate nominations took place from 30 October to 6 November 2021. Initially 26 aspirant candidates expressed an interest to compete, but the IEC stated that only 23 nomination papers were submitted. Of these, 11 represented political parties and 12 were independents. Of the 23 who submitted their papers the IEC approved just six: Abdoulie Ebrima Jammeh from the National Unity Party (NUP); Adama Barrow from the National People's Party (NPP); Essa Mbye Faal (Independent); Halifa Sallah from the People's Democratic Organisation for Independence and Socialism (PDOIS); Mamma Kandeh from the Gambia Democratic Congress (GDC); and, Ousainou Darboe from the UDP. The other aspirants were rejected by the IEC for not fulfilling the nomination criteria, such as providing the requisite number of voter signatures to support their application.

Three of the rejected aspirants - Mai Ahmad Fatty of the Gambia Moral Congress (GMC), Dr. Ismaila Ceesay of the Citizens' Alliance (CA) and Henry Joof (Independent) appealed the IEC's decision, and the Supreme Court ruled in favour of Dr. Ceesay and Fatty. However, Dr. Ceesay still failed to get on the ballot after resubmitting nomination papers as the IEC decided he had not complied with the court ruling to provide the actual signatures submitted with his court appeal. Dr. Ceesay accused the IEC of unfair treatment, whilst the IEC announced that it intended to appeal the High Court's initial ruling. Dr. Ceesay subsequently dropped his candidature and stated that the CA would not endorse any candidate. CA also announced its intention to bring contempt of court proceedings against the Chair of the IEC. The GMC candidate, Ahmad Fatty, announced that the party was considering bringing contempt of court proceedings as well as a new civil suit against the IEC for not allowing them to participate in the presidential campaign.

The manner in which the nomination process was conducted, which included avoidable missteps, including issues around application of the law and poor communication, highlighted weaknesses in the IEC's internal structure and capacity, as well as shortcomings in the regulatory timeframe for nominations vis-à-vis the commencement of the campaign.

## Electoral campaign

The campaign ran from 9 November to 2 December 2021. The issue of alliances was a major topic of discussion. President Barrow's NPP aligned with the Alliance for Patriotic Reorientation and Construction (APRC), the former ruling party under former President Jammeh, whilst hard core loyalists of Jammeh split their support from the former president to join with GDC. There was significant public resentment against the NPP and GDC alliances with APRC. Most of the parties that formed the 2016 Coalition that saw Barrow win the election, continued to be with him, whilst UDP and PDOIS contested alone. President Barrow attracted five of the rejected aspirants to his side.

The campaign was widely dominated by President Barrow and UDP's candidate Darboe. President Barrow's agenda was based on infrastructural development. UDP's Darboe was his most distinct rival. He had a manifesto including issues such as energy, youth employment, agriculture, food security, education and public health. Essa Mbye Faal's agenda was focused on change and accountability, especially relating to transitional justice. The oldest party in this contest was PDOIS, and the party's candidate Sallah said his agenda was to fight ignorance and poverty based on system change. Issues relating to the role and interests of women, youth and PWDs were recurring topics in rallies.

All six candidates signed a code of conduct for peaceful elections. All the presidential candidates toured the country with large entourages to meet potential voters, conducting rallies, spot meetings and house to house campaigns. Despite the number of candidates and parties, the limited campaign period and the relatively small physical space, there were no reported incidents of clashes between party supporters. Political parties and candidates were not restricted in the exercise of their rights to conduct their campaign activities and no significant incidents of violence were recorded. However, the involvement of children in the various campaigns and political events was noticed, prompting a reaction from child rights organisations and the United Nations Children's Fund (UNICEF).

Issues such as human rights, women and transitional justice were prominent talking points throughout. In addition, Amnesty International released a human rights manifesto which was signed by the candidates. Groups representing women, youth and PWDs also released manifestos. Representatives from these groups planned to present their manifestos to the new administration following the election.

Incidents of hate/offensive speech were reported by CSOs and language used in rallies became increasingly concerning to observers and rights defenders. The National Human Rights Commission on 16 November issued a statement to express concern over remarks from both President Barrow and UDP candidate Darboe over their use of language, deemed to be provocative and liable to incite violence. The Commission called on all political leaders to refrain from the use of such language and endeavour to protect the peace and stability of the country.

Former President Jammeh emerged as a flashpoint on three occasions when he spoke at GDC rallies through WhatsApp calls, during which he lambasted the current administration. His remarks generated a heated reaction across the country as many accused him of fomenting tribalism and violence when he described UDP as a Mandinka party which would dismiss all non-Mandinka officials from the Government if they won. President Barrow, in response, warned GDC to stop Jammeh from calling into their rallies whilst noting that he was going to report the matter to the IEC for action. Meanwhile, Kandeh retorted that he would not be pressured by Barrow to stop Jammeh from calling into his rallies. NPP lodged a complaint to the IEC, which did not find any legal basis to stop the former president from addressing supporters.

On 29 November, NPP National President Dembo Bojang was shown in a widely circulated video accusing the UDP of tribalism and claiming that a UDP victory would lead to all Gambians who are not Mandinka being 'sent away'. The message was widely condemned on social media. Despite the uproar this video created, such discourse did not characterise the bulk of the campaign.

An opinion poll conducted by the Centre for Policy Research and Strategy Studies (CepRass) was published on 25 November. This was a new innovation for the country and the only poll of its kind during this election. It projected a win for the NPP candidate among those voters who were decided and willing to declare their voting intention (41% to UDP's 22%). However, media reporting of this poll left out much of the nuance of these figures, for example omitting the 23% of voters polled who were undecided or wouldn't say who they would vote for. Other notable findings included the minimal impact respondents said tribal identity would have on their voting intentions, with campaign promises the main factor in their decision-making. The survey also revealed that most respondents believed the elections would be peaceful. The IEC was rated positively, with half of respondents saying it was fair to all parties, although the survey pre-dated the legal challenges.

In response to the COVID-19 pandemic, the presidential candidates could be seen wearing face coverings. However, during rallies crowds did not wear them nor maintain social distancing. No strict election-related measures were introduced by health authorities.

## Campaign finance

The Elections Act provides that a political party can receive funding from a Gambian citizen only. However, there is a complete absence of campaign finance regulation for independent candidates, who are not mentioned in the relevant part of the law. More broadly, there are no ceilings in terms of party or campaign funding or expenditure. Political parties and campaigns are therefore funded by party members locally and from the diaspora, including individual Gambian business people. However, observers noted that corporations provided donations to some campaigns and parties. According to UDP's online platforms, diaspora supporters raised at least seven million dalasi (approximately £100,000) for the party. Parties were under no obligation to disclose their sources of funding.

Financing of the online campaign lacked oversight from regulators or civil society. Gambians' ability to know who was paying to target them with political messaging was impeded by the failure of social networks to implement key transparency features<sup>1</sup>. Facebook, Google and YouTube did not make public any payment received for campaign ads and were not obliged to by law<sup>2</sup>. Online means were heavily used to support fundraising for the campaign. TEEOM research documented that £237,586 was raised for the campaign through 14 online crowdfunding events and seven diaspora fundraisers publicised by official party pages<sup>3</sup>.

Overall campaign finance lacks adequate transparency and accountability, which opens the system to potential abuse. Further, the lack of spending limits exacerbates the unlevel playing field, and can unduly impact on the participation of women as well.

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<sup>1</sup> Facebook has rolled out a number of features, such as a Voter Information Centre, full ad library access and ad library reports, in other electoral contexts, but these were not implemented in The Gambia.

<sup>2</sup> By comparison, Facebook transparency features show details of the 3,132 Facebook ads run in Senegal since March 2021.

<sup>3</sup> For the UDP, NUP, CA, Essa Faal, and PDOIS. Diaspora fundraisers ran in the United Kingdom, Germany, Austria, Switzerland, the Netherlands, Canada, and the United States.

## **Election Day**

On Election Day, it was reported that most polls opened on time, and the basic procedures for the opening and closing processes were followed. The full complement of polling staff was present with party agents in most of the polling stations. Voters turned out in large numbers from quite early in the morning and remained largely peaceful and orderly for the rest of the day. Due to the large turnout, many polling stations had to remain open after the stipulated time of closure to allow voters to cast their ballot as required by law.

## **Results announcement**

The IEC Chairman declared incumbent President Adama Barrow the winner a day after the vote. However, even before the end of counting on 5 December, Darboe, Kandeh and Faal convened a press conference to denounce the results, citing delays in the announcement of results and other unspecified issues. A day later Faal conceded, stating his team had not discovered any compelling evidence to invalidate the results and he called to congratulate Barrow. Of the other candidates, Jammeh and Sallah have since both conceded defeat but only Jammeh sent a congratulatory message to Barrow. Kandeh vowed not to congratulate the president.

## **Post-election developments**

Skirmishes broke out between UDP supporters and riot police a day after the declaration of results. These occurred in front of the leader's compound where hundreds of his supporters assembled to show solidarity. The police used tear gas to forcefully disperse the crowd leading to a number of injuries. Media reported that even the compound was tear gassed by the police.

In the wake of the results, Barrow and his supporters staged a massive celebration in Banjul where the president-elect gave a conciliatory speech. UDP and GDC both claimed to have collected evidence of alleged electoral fraud. However, only UDP filed a petition before the Supreme Court, including some allegations of vote buying and ineligible persons on the voter register. The court dismissed the case, ruling that UDP had failed to serve President Barrow within five days of filing the petition, as per the rules on election disputes.

Both domestic and international observers issued largely positive preliminary statements, but did note, among other things, the lack of legal reforms, monetisation of the campaign and an undue advantage of incumbency. Many national analysts characterised the 2021 polls as possibly Gambia's most open and competitive election, citing an environment free of intimidation, no restrictions on political parties, public media largely fair in its coverage, and an open space without fear of reprisal for both private media and civil society actors.

# **4. Media and Social Media**

## **4.1. Media Environment and Freedoms**

### **Legal Framework**

The Gambia is a party to the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR), including their Article 19 provisions on media freedom and freedom of expression, as well as Article 9 of the African Charter on Human Rights. Freedom of expression and freedom of the media are also protected under Article 25 of the Gambian Constitution.

Despite recent reform efforts, national laws related to the media are not fully in line with international law and the Constitution. In particular, clauses of the Information and Communications Act allow for the intercept of communications by the authorities without judicial oversight, while the Criminal Code criminalises defamation, spreading of false information and sedition. Such provisions have not been used recently and did not appear to impact this election campaign, but their existence nonetheless remains concerning for journalists, who believe it has a potential chilling effect, particularly on investigative reporting.

Broadcast licences are granted by the Public Utilities Regulatory Agency (PURA), whose board members and Director General are appointed directly by the President of The Gambia. Similarly, the Director General of the state broadcaster, GRTS is appointed by the President.

A positive step forward is the new Access to Information Law, which was signed into law on 25 August 2021, although some TEEOM interlocutors expressed concerns that it is not specific enough in determining timelines and modalities for its effective implementation.

## Media freedoms

Since the departure of former President Jammeh, The Gambia has made impressive jumps in international media freedom rankings<sup>4</sup>. Despite this recent progress, there have been some concerning incidents since 2016, such as the temporary closure of two private radio stations for allegedly inciting hatred in relation to their coverage of opposition protests in 2020<sup>5</sup>, and self-censorship is still thought to be widespread among the media. Nevertheless, the level of media freedom was unprecedented for a presidential election in the country.

The campaign saw no reports of serious incidents involving journalists, who were generally able to cover the campaign freely. Fatu Network, which has had previous tensions with UDP, issued a statement on 30 November in response to accusations from UDP supporters that the outlet had failed to cover UDP's campaign adequately, which it blamed on a lack of co-operation on the part of UDP<sup>6</sup>.

There were no significant incidents involving journalists reported on Election Day and during the counting of votes, and the main media outlets respected the IEC's right to make the first announcement of results, which it did via live broadcast on GRTS.

However, following altercations between UDP supporters and riot police on 6 December, a freelance photojournalist was reportedly assaulted by UDP supporters and he had his equipment damaged and taken by them. On 8 December, the Gambia Press Union (GPU) released a statement condemning the incident. The GPU also condemned the police tactics for causing the hospitalisation of two other journalists for tear gas inhalation and called for future police restraint when dispersing crowds<sup>7</sup>.

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<sup>4</sup> The Gambia was ranked 85 out of 180 in the World Press Freedom Index, compared to 145 in 2016. <https://rsf.org/en/gambia>

<sup>5</sup> International Federation of Journalists, press release, "The Gambia: Police close down two radio stations and arrest four journalists", <https://www.ifj.org/fr/salle-de-presse/nouvelles/detail/category/press-releases/article/the-gambia-police-close-down-two-radio-stations-and-arrest-four-journalists.html>, 28 January 2020.

<sup>6</sup> Fatu Network, statement, <https://fatunetwork.net/statement-by-the-fatu-network-regarding-media-coverage-for-udp/>, 30 November 2021.

<sup>7</sup> Gambia Press Union, press release, <https://www.facebook.com/901854573170933/posts/4698812156808470/>, 8 December 2021.

## Media landscape

Since the last presidential election, the media landscape has opened up considerably, with five private TV stations (QTV, Paradise TV, Star TV, Eye Africa, MTA TV) now operating in addition to the single state channel, GRTS. Some 41 radio stations and nine community radio stations operate across the country, including in national languages, several daily newspapers are printed, and there are a number of online-only media outlets producing video and written content (notably Kerr Fatou and Fatu Network), which do not require broadcast licences. Some satellite channels from Senegal are also accessible from The Gambia.

Radio is the most accessible media across the country, with GRTS having the largest reach across the whole country. According to recent surveys, radio and TV remain the most popular sources of information, although the use of social media and internet are rising fast<sup>8</sup>. The printed press lags significantly behind, with only some 7% of the population reportedly regularly reading a newspaper. However, newspapers are frequently used as source material for radios, which often translate their content from English into national languages, meaning that in practice they have a much bigger reach.

While the media landscape is increasingly diverse, it suffers from a lack of professionalism, with many journalists, especially younger journalists, untrained in the standards of their profession.

Media ownership is generally opaque. Private channels QTV and Afri Radio are controlled by two large telecommunications companies, QCell and Africell, which also dominate the small advertising market across all media outlets, reportedly having an influence on editorial content. While they are not necessarily considered political *per se*, they are viewed as having financial interests in serving those in power and have reportedly practiced forms of self-censorship to protect those interests.

With limited broadcast coverage across the country, private media in The Gambia are competing for audience share among a relatively small total audience (the total population of the country is just 2.4 million), meaning that potential advertising revenue is also limited. Ultimately this means that in a more pluralistic environment, many media companies are unlikely to be profitable, and that the media owners likely have other motives for running these channels, whether as loss leaders for other businesses or as a means of gaining political influence. Unless sustainable business models and alternative sources of revenue are found, Gambia's newfound media pluralism is vulnerable to being subjugated for political ends.

## Campaign media rules

According to the Elections Act, candidates are entitled to equal airtime on public radio and television, with the time determined by the IEC taking into account the number of candidates. Private channels are also required to guarantee all candidates five minutes of airtime. Private media are required to submit their rates for airtime to the IEC, which can also enter into negotiations with the media to finalise the rates and ensure fair distribution of airtime.

The IEC published on their website (albeit after the start of the campaign) updated Media Rules for the 2021 elections, broadly similar to those in place for the 2016 election, which interpret the relevant sections of the Elections Act and determine the amount of time allocated for free political coverage on the state broadcaster

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<sup>8</sup> Afrobarometer press release, "Gambians support media freedom but want government to prevent false news and hate speech, Afrobarometer survey shows", <https://afrobarometer.org/press/gambians-support-media-freedom-want-government-prevent-false-news-and-hate-speech>, 4 May 2021.

GRTS (for this election, 10 minutes of party political broadcast daily). The rules also call for GRTS to provide fair and equal coverage of campaign activities, within the limits of its resources. GRTS complied with this by allocating a media team to each candidate, providing 20 minutes of daily campaign highlights.

While the Rules limit paid political advertising on private radio channels to 10 minutes daily, there is no such restriction on private TV channels. The IEC's Media Rules could have benefited from greater revision since the previous presidential election, particularly given the emergence of private TV channels. Furthermore, there is no requirement for such advertising to be clearly marked as paid advertising, and in any case the IEC does not have the capacity or mechanisms in place to monitor compliance.

The IEC Media Rules unduly limit the content of party political broadcasts, going further than the Electoral Act's ban on insulting and slandering another candidate to require that they solely present their programmes and ideas and not criticise other candidates. This is an unnecessary limitation on freedom of expression, and on the right of candidates to scrutinise their opponents as part of ensuring that voters can make an informed choice. On 11 November, the UDP declared a boycott of its slots for political party broadcasting on GRTS, accusing it of "stifling of a candidate's right to review and criticize the incumbent's policies, programmes and conduct" and arguing that this was "not in line with the letter and spirit of the law". While the UDP boycott was short-lived, and was resolved during discussions between the party, the IEC and GRTS, this episode highlights the need for a thorough revision of the Media Rules to ensure they are fully in line with the law and international standards for future elections.

A range of election-related programming began already prior to the start of the campaign, including panel discussions on the aspirants, extensive coverage of candidate nomination and the first of a weekly youth parliament debate on the elections, which continued through the campaign. Programmes such as GRTS's Election Watch and Paradise TV's weekly Leading the Nation provided regular analysis of key developments throughout the campaign. However, media representatives have confirmed that such programming, which usually is broadcast in English, is less present on the radio, where material is adapted to the needs of local audiences, focusing more on local issues as well as translating key developments into local national languages. Overall, there is a perception among interlocutors that much of the more nuanced political discussion available to audiences in Banjul through the newer TV channels and online media does not reach the majority of the Gambian population in the rest of the country.

A candidates debate jointly organised by the Commission on Political Debates and the National Democratic Institute (NDI) was broadcast on 20 November. Although three candidates initially confirmed their participation, only Esaa Faal and Halifa Sallah took part<sup>9</sup>. The debate was broadcast in English on Paradise TV, livestreamed on social media and was transmitted in national languages on four different radio stations. The two moderators were well-known male and female media personalities and the debate provided a well-structured opportunity for candidates to present their platforms on key topics. While it is regrettable that not all candidates took part, there were reportedly perceptions among some candidates that the sacrifice of lost time campaigning on the ground in the regions was not worth the potential benefit (or risks) of appearing in a televised debate that may have limited impact among more rural audiences.

Several private TV channels, including Eye African and Paradise TV, broke the pre-election day of silence, broadcasting programmes with both Barrow and Darboe, which the IEC admonished in a public letter. GRTS TV also broadcast a programme highlighting the President's achievements in office on the eve of the election. The Media Rules specify that "No party political publication or advertisement shall be carried by the Public or

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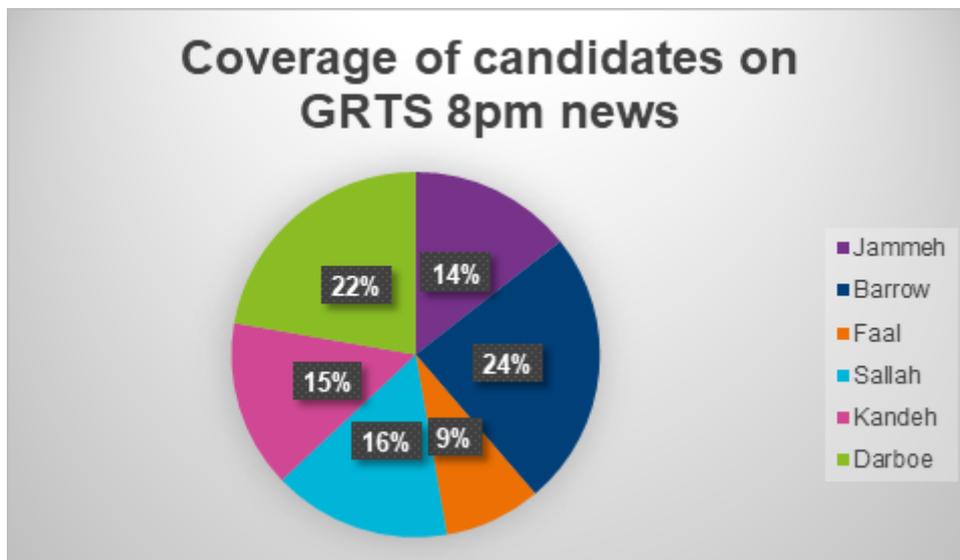
<sup>9</sup> Abdoulie Jammeh (NUP) had confirmed his participation to organisers prior to the day but in the end did not participate.

Private Media (on air or in print) in The Gambia, following the close of the campaign at midnight on Thursday 2 December 2021. This does not affect analysis, news, or information concerning the elections themselves, provided such coverage is balanced, objective, and in good faith; and that it is not in any way a continuation of campaigning. Special attention shall be given by all members of the Public Media to ensure compliance with these provisions.” Although the IEC did not mention the GRTS programme in its statement, such a programme would appear at the very least to go against the spirit of the rules, particularly coming from the public broadcaster.

#### 4.2. Media Monitoring

The TEEOM conducted quantitative media monitoring during the official campaign period of the daily 8pm news on the state TV channel GRTS and the country’s first private TV channel, QTV, as well as of the online versions of daily newspapers The Standard, The Point, Foroyaa (which all have print versions), and the online-only platform Fatu Network<sup>10</sup>.

TEEOM media monitoring found that the prime time news coverage of GRTS was balanced and gave fair coverage to all candidates. While coverage was not strictly equal in time for all candidates in news broadcasts, with 24% of campaign reporting dedicated to Barrow, 22% to Darboe, 16% to Sallah, 15% to Kandeh, 14% to Jammeh, and 9% to Faal, this should also be seen in the context of the 20 minutes of campaign highlights given to all candidates daily. The tone of the coverage was mainly neutral, occasionally positive and never negative, and the order of candidates was varied between news reports, meaning that voters were given a fair presentation of the different candidates.



In contrast, QTV provided coverage of President Barrow’s campaign to the exclusion of all other candidates in the sample monitored. While not against the letter of the law, such editorial decisions are against ethical and professional standards. Furthermore, PURA’s Code of Conduct Guidelines for the Television

<sup>10</sup> The top four articles of each online media were recorded and were analysed for the weight given to each candidate. Forayaa’s website often was not regularly updated.

Broadcasting Sector also requires impartiality and neutrality on matters of public importance, stressing that licensees have a duty to ensure that opposing views are held<sup>11</sup>.

Ad hoc sampling of other TV and radio channels found a similar though less marked imbalance in coverage, with more political advertising and coverage given to Barrow and Darboe. This reflects the TEEOM's interviews with media outlets which confirmed that most paid advertising came from NPP, and to a lesser extent from UDP.

The online newspapers gave more coverage to those considered the leading candidates, although this was mainly driven by news events rather than bias towards particular candidates. President Barrow received the most coverage across all papers with the exception of the PDOIS-associated Foroyaa, where Halifa Sallah dominated. Darboe was the second-most covered candidate, and Adboulie Jammeh the least. Some advertorial for individual candidates was noted towards the end of the campaign, which was clearly marked as such<sup>12</sup>.

### **4.3. Social Media Environment and the Online Campaign**

#### **Legal framework**

Following the 2016 elections, the Barrow administration promised to reform legal barriers impeding freedom of expression online. Five years on, some progress has been made through the passing of a partially implemented Access to Information Act on 25 August 2021. Interlocutors regard the next step as translating its protections into changes in institutional behaviour, as a culture of secrecy around information pervades state institutions, diminishing their responsiveness to requests for information. Interlocutors reported that many Gambian citizens are unaware of their rights under the Act, which risks limiting its effectiveness. Nonetheless, interlocutors were largely content with the wording of the law.

Despite this step forward, the laws encompassing the online campaign remain at odds with The Gambia's international commitments. Measures of particular note include the Information Act (2009), which allocates sweeping surveillance powers to national security agencies, in contravention to the AU's Malabo Convention, and the penalising of spreading 'false information' under section 181A (1) of the Criminal Code. Some of these measures have, albeit only on occasion, been put to use since the Jammeh era. The constitutionality of these provisions is likely to be tested if the Barrow administration follows through on its pledge to revisit the process of constitutional reform. Trainings for lawmakers can help facilitate effective scrutiny of these longstanding measures and raise awareness of the challenges they present for digital rights.

The Gambia presently lacks a data protection bill. The need for such legislation will heighten as the usage of private data by political parties and private companies increases over the coming years. Any such measure will also need to consider the rights of whistle blowers and investigative journalists, and to ensure it does not compromise Gambians' rights under the Access to Information law. The success of legal reform will partly depend on the degree to which civil society, Gambian citizens, the media, and especially lawmakers are equipped to provide effective scrutiny on such a sensitive, complex and specialised topic as personal data protection. For this reason, the logical first step is provision of trainings to those who will be charged with scrutinising any such legislation.

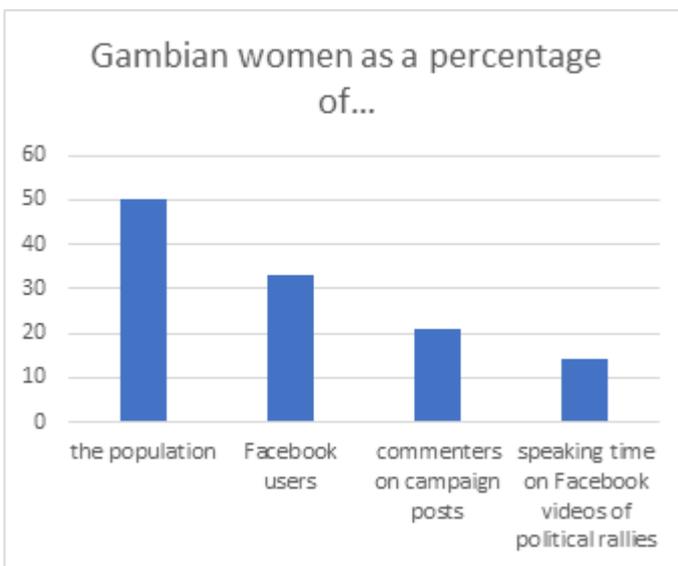
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<sup>11</sup> Available at: [https://pura.gm/wp-content/uploads/2021/09/Code\\_of\\_conduct\\_Guidelines\\_compressed.pdf](https://pura.gm/wp-content/uploads/2021/09/Code_of_conduct_Guidelines_compressed.pdf)

<sup>12</sup> The Standard and the Point ran advertorial pieces for Darboe and Barrow respectively on 2 December 2021.

## Conduct of the online campaign

The lively conduct of the online campaign reflected recent gains in the enjoyment of freedom of expression. The TEEOM conducted a programme of social media monitoring<sup>13</sup>. The most-discussed themes were the economy and opportunities for young people, though policy detail was less prominent than criticism of candidates<sup>14</sup>. This critique was only rarely discriminatory, though a small number of interventions which were widely labelled by Gambians as ‘tribalism’ garnered widespread attention. Responses to these were overwhelmingly condemnatory rather than supportive<sup>15</sup>. Comments from the presidential debate’s more than 100,000 online viewers showed that it spurred greater discussion of policy issues, though the failure of four candidates to attend represented a lost opportunity to amplify this positive impact.



The disproportionate impact of economic barriers to access for women, such as the high cost of smartphones, help explain why they are less present than men amongst social media users. However, women were underrepresented in the online debate even when taking account of their lower representation among social media users. Women constitute 33% of The Gambia’s Facebook users<sup>16</sup> but posted only 21% of comments on the most-commented on political posts throughout the duration of the campaign. The reasons why will require further research to determine with certainty, but may include the lack of women candidates, the failure of political parties to give due prominence to women at rallies<sup>17</sup> and cyberbullying targeted at politically active women.

WhatsApp was key in helping marginalised, illiterate and rural citizens overcome economic and infrastructural barriers to the online campaign. Gambian WhatsApp users often share content with those without access through the communal usage of smartphones. Political parties used several hundred groups to spread WhatsApp audio-visual messages nationwide, profiting from the greater trust accorded to content spread via groups populated by friends and family. Positively, many interlocutors reported having encountered voter education over WhatsApp<sup>18</sup>. This helped extend fact-based messaging into communities who may be less exposed to digital literacy initiatives and may lack experience interpreting online claims. The distribution of

<sup>13</sup> TEEOM social media monitors analysed every publication published during the campaign period on 30 of the most-prominent pages producing political content. This included direct qualitative and quantitative observations of more than 8,000 posts and comments, and a statistically significant subsection of the more than 100,000 reactions on the most-commented posts on the most-prominent political pages. The Mission also used scraping tools to analyse 15,000 Tweets.

<sup>14</sup> Over 90% of a sample of the most-commented posts from across the campaign’s duration failed to propose a specific policy. Two-thirds of these nonetheless criticised one of the candidates.

<sup>15</sup> Notably NPP President Dembo Bojang’s allegation on Monday 29th November that a UDP victory would mean non-Mandinka having to leave the country.

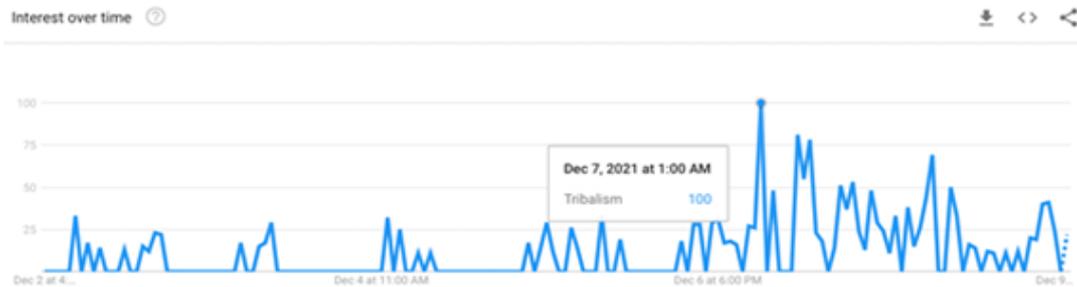
<sup>16</sup> According to social media analytics company NapoleonCat.

<sup>17</sup> Women constituted roughly 22% of speakers on videos streamed of rallies but spoke for only 14% of the time. This was also reflected in traditional media, with monitoring of GRTS evening news reporting finding that, excluding the (all male) candidates, women in the campaign were given a fifth of the coverage men received.

<sup>18</sup> This included content created by the National Youth Parliament.

pro-peace messages by civil society groups served to placate the online environment in the weeks leading up to the vote, enabling the conditions for the largely positive sentiment online during Election Day.

The positive sentiment as Gambians celebrated participation in the vote contrasted sharply with the tensions that followed the opposition's rejection of the results the subsequent day. Incidents of hate speech, ethnocentric discrimination and incitement to violence started to spread online from the moment of the rejection. Gambians used social media to share sentiment around collective identity throughout this period, with many users citing the UDP's alleged association with the Mandinka and expressing pride and concern around their respective tribes.

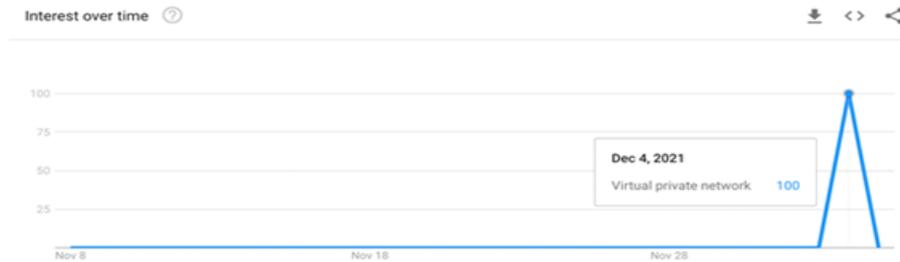


*The rejection of results by UDP leader Ousainou Darboe, GDC leader Mamma Kandeh, and independent candidate Essa Faal led to an unprecedented surge in interest in tribalism (Source: Google)*

There were more Google searches (see chart above) for the topic of tribalism the night of 5 December, the rejection of the results, than on any previous evening that week. This was then eclipsed by searches for the topic on 6 December, as analysis showed an increased prevalence of ethnocentric sentiment. This uptick correlated precisely with the incidents of violence and clashes between protestors and police that night, as videos of UDP protests being dispersed by tear gas as supporters followed leader Ousainou Darboe in rejecting the results were widely shared on WhatsApp and Facebook, as was a widely-condemned video of police officers celebrating the tear gassing. Civil society groups reiterated calls for peace. President Barrow used his platform to call for peace and calm, and his call following the vote for his supporters to treat other Gambians as 'brothers' regardless of how they voted was widely-shared.

The post-electoral developments highlighted the importance of having mitigation measures in place, such as an effective IEC presence online, political parties well-equipped to counter hate speech, and factcheckers bearing a strong and widely-heard voice. These were not in place by the crucial post-electoral period, with the resulting risks for electoral integrity playing out into a tense post-electoral environment.

Unlike in 2016, Gambian authorities upheld their international commitments to not restrict Internet access across the entire electoral period, in contrast to an emerging regional trend. Nonetheless, the impact of not having publicly ruled a shutdown out in advance of the vote affected the process as CSOs spent time campaigning on the issue whilst parallel vote tabulation facilitators feared disruptions. During Election Day, Gambian Google searches on the topic 'Virtual Private Network', a technology enabling circumvention of network restrictions, were at least 100-times greater than on any day in the previous month (see chart below), reflecting popular fears of being denied rights to freedom of expression.



*Lacking any guarantee from the authorities that connectivity would not be cut off as it had been in the 2016 vote, searches for VPNs peaked on Election Day. Source: Google*

## Disinformation

Disinformation on Facebook targeted various candidates, but mostly failed to gain widespread visibility compared with other content. This was in spite of rather than because of counter-disinformation measures. Whilst factcheckers worked diligently, particularly by disseminating their content through WhatsApp groups, their work on Facebook was impeded by limited reach, inadequate specialised training, and a lack of proactive collaboration from social platforms. A number of these factcheckers had very few followers on social media<sup>19</sup>. These factors enabled verificatory vacuums in which misinformation sometimes went unchecked. Social network companies missed opportunities for partnership and engagement with factcheckers that could have bolstered their work.

The high number of factcheckers with low reach and little reputation risked being indistinguishable from the perspective of the audience from politicised factchecking outfits, an emerging technique of electoral manipulation elsewhere. While this was not observed in these elections, it is imperative that credible factcheckers establish more visible and trusted profiles before the next elections to distinguish themselves from potentially politicised factchecking outfits that could emerge.

Facebook account verification helps combat disinformation by providing high-profile social media users with a 'blue tick' to prove their authenticity. Not a single Gambian political party has verified their Facebook account, and of the candidates only incumbent President Adama Barrow has verified his Twitter and Facebook accounts. The IEC, which went into the campaign a widely-respected public institution, had the opportunity to serve as a trusted bulwark against disinformation, but its lack of an effective online presence impeded this.

## Online presence of the IEC

Inadequate preparation impeded the IEC's capacity to spread pro-peace messaging, counter-disinformation, to communicate voter education messaging, and to gain advance warning of emerging digital threats to electoral integrity. At the campaign's outset, much of the information on its website dated from the 2016 vote. Its Twitter, Instagram and Facebook accounts were under-utilised. Two neglected pages, followed collectively by just 0.01% of Gambian Facebook users, constituted the IEC's presence on The Gambia's most-used social platform. The only one of these active during the campaign was unverified throughout, losing the opportunity to serve as a trusted source of voter education, counter-misinformation, and pro-peace messaging. The other posted for the first time in five years on the eve of the election.

<sup>19</sup> None of the factcheckers had more than 125 Twitter followers by Election Day, and some had fewer than 100 Facebook followers.

The IEC was not a major talking-point online until the 23 November court ruling overturning IEC decisions on candidate nominations, which adversely affected popular confidence in the institution. Inadequate communications ensured the IEC struggled to communicate the justification behind rejecting the candidates. A raft of critique ensued, including allegations unrelated to the decision, suggesting the incident impacted the IEC's overall reputation<sup>20</sup>. This incident, along with the lost opportunity for the IEC to serve as a pacifying voice in the tense days following the vote, made clear the need for a strong and effective IEC online communications operation.

## Complex online manipulation

Encouragingly, evidence of manipulative interference online such as deepfakes, political botnets, astroturfing<sup>21</sup>, and disinformation produced by foreign state media were not observed by the Mission. Gambian authorities were not named in recent investigations on usage of manipulative software that have implicated other nations in the region<sup>22</sup>. Nonetheless, the prominence of WhatsApp-based campaigning, rising Internet penetration, and inadequate counter-disinformation capacity necessitates careful planning to safeguard the expanding online political space.

Twitter users who followed the two leading candidates during and in the leadup to the campaign scored similarly in analytic software designed to assess prevalence of bot-like characteristics compared with longstanding followers<sup>23</sup>. There were no disproportionate or inexplicable increases in followings indicative of purchased support or coordinated influence across either account over the duration of TEEOM monitoring.

Foreign state media, which can be a proxy for potential foreign influence operations online, were largely silent or neutral on the election. The concerning regional trend towards the systematic dissemination of politically biased opinion polls, often using the services of foreign political consultancies, was not observed in this election<sup>24</sup>. The absence of these increasingly common phenomena in this vote is encouraging, but poses risks of unpreparedness in advance of future votes unless adequate preparatory measures are undertaken.

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<sup>20</sup> The IEC was criticised on at least three times more most-prominent pages 21-24 November compared with 17-20 November.

<sup>21</sup> Astroturfing is the generation of artificial support to influence opinion, such as through the use of semi-automated Twitter followers to spread favourable content.

<sup>22</sup> Investigations by the Wall Street Journal in August 2019, and by Citizen Lab at the University of Toronto in September 2018 and December 2020.

<sup>23</sup> The TEEOM analysed a total of 15,000 Twitter followers of the two leading candidates, sending them to the Botometer Pro API at Indiana University's Observatory on Social Media. A sample including new followers accumulated during the campaign did not show greater indications of bot-like behaviour than longstanding followers. For methodology see *Detection of Novel Social Bots by Ensembles of Specialized Classifiers*. Mohsen Sayyadiharikandeh, Onur Varol, Kai-Cheng Yang, Alessandro Flammini, and Filippo Menczer. Proc. 29th ACM International Conference on Information and Knowledge Management (CIKM), pages 2725-2732, 2020. <https://arxiv.org/abs/2006.06867>

<sup>24</sup> See for example the 23 August 2021 Carter Center Preliminary Statement on the Zambian General Election, p.9.

## 5. Gender and Inclusivity

### 5.1. Women's Participation

#### Legal framework

Gambia has ratified many UN Human Rights Conventions, including the ICCPR, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child. Gambia is a signatory to the African Charter on Human and Peoples' Rights and the African Women and African Children Charter, among other instruments.

The 1997 Constitution and laws such as the Women's Act of 2010, provide comprehensive provisions to ensure that women are eligible to participate in political life, including the right to contest elections, providing representation at all levels of decision making. However, while there are no legal provisions that prevent the full participation of women in elections and politics, these laws failed to take into account the socio-cultural context in The Gambia, which is deeply rooted in the culture of patriarchy, thus giving rise to *de facto* limitations and constraints in facilitating the effective participation and representation of women. Most of the treaties have been domesticated into national laws but a combination of the patriarchal society and provisions in national laws hinder women's participation in public and political life and do not fulfil the international commitments enshrined in CEDAW and the AU's Maputo Protocol.

#### Socio-demographic and political context

Though women comprise 51% of Gambia's population, only 21% are employed in the formal workforce. Out of 58 members of the National Assembly, only six (10.34%) are women. Out of the six female Parliamentarians, only three (5.17%) are directly elected whilst the remainder are nominated. At the level of the Executive there are a total of 17 Ministers, of these only four are women, which represents approximately 23.5%. In the judiciary, from the Supreme Court down to the Lower Courts, women represent approximately 48% of the judges and magistrates.

Amongst Gambian Facebook users, 66.3% are men and 33.7% are women. Economic barriers are likely to disproportionately impact women. However, women are significantly underrepresented when compared with other countries in the region with a comparable economic status, suggesting that the gendered impact of economic barriers may not explain the whole picture.

#### Registration and nomination process

There were 545,318 women registered to vote, which constituted 56.6% of the total, and 416,839 men. Data from the regions also shows this trend of a higher percentage of women voters: Banjul 52.5%, Kanifing 54.4%, Brikama 56.3%, Kerewan 56.8%, Mansakonko 54.9%, Jajambureh 57.6% and Basse 61.9%.

The IEC is led by a five-member commission. Up until recently this included a woman, but she has now retired. The IEC staff is composed of 61 civil servants in total, of which 15 (24.6%) are women. In its seven administrative areas, four women perform as regional deputies. Following a structural reorganisation, a Gender and Inclusion Unit was created but it does not yet have an assigned budget or staff.

Amongst the initial 26 aspirants there was one woman, Marie Sock, who intended to run as an independent candidate, which would have been the first time in Gambian history that a woman ran for the presidency. She claimed that the administrative and financial requirements for candidacy were too arduous. Sock did not, in the event, complete the nomination process.

### **Women in the campaign**

Although most political parties include a women's wing within their structures and some of them approved voluntary gender quotas for candidates in parliamentary elections and for party positions (parity within PDOIS and a 30% quota in UDP), women often occupy secondary roles in parties. However, whilst political parties recognised the importance of utilising the voting power of women in this election, not least as they represent the majority of the potential electorate, women were afforded only organisational and logistic roles in the campaign with less time allocated to their speeches at rallies than for men. According to party leaders, women from the diaspora returned to the Gambia for the campaign period in order to contribute towards setting up campaign teams throughout the country.

Campaign rallies attracted large crowds, in which women could be seen in both the presidential candidates' entourage as well as in the crowds. The entourage assigned tasks according to committees such as mobilising, transportation, food and logistics, which were monitored by the campaign management team. In general, the food committee had the highest number of women members. Women could be found in other committees but major decisions tended to be taken by men, who usually formed the majority in a committee.

Political parties had varying structures to incorporate the role of women, consisting of designated Women's Wings, women in the national executive as well as at the regional, constituency and ward levels working remotely to contact the National Women Mobiliser who coordinated and identified all female speakers at rallies. Prior to staging rallies, the NPP and UDP's Women Mobiliser units conducted stakeholder briefings and censored what could be said by female speakers. Most of the speeches by women were geared towards promotion of their party, whilst men were more likely to attack opposing presidential candidates directly.

Due to the failure of the Draft Constitution in 2021 and the inadequate presence of women's rights in the majority of the presidential candidates' manifestos, women from civil society mobilised to produce a Women's Manifesto with demands and concerns that they intend to share with the new administration. A quota for women in the executive, legislature and political parties was at the forefront of the manifesto.

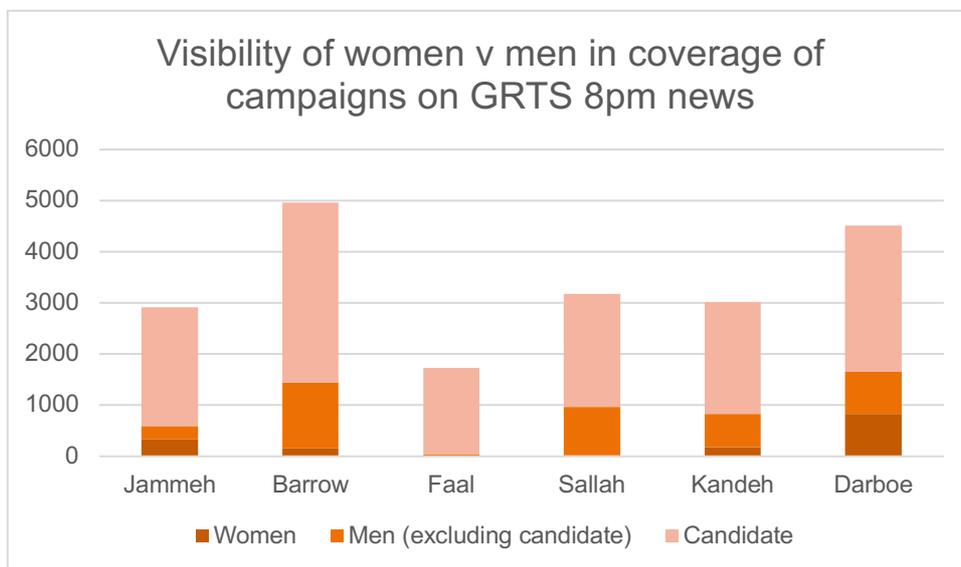
There were no reported cases of violence against women during the campaign. CSO women utilised traditional media such as radio, newspapers, and television to call for peaceful elections. However, the actions of the riot police in the aftermath of the results announcement, recorded by protesters showing agents mishandling women which have gone viral on social media, were condemned by representatives of the Gender Platform as violence against women in politics and elections (VAWPE).

### **Women in the media**

There are several well-known female media personalities in The Gambia, who were visible during the campaign, and women feature as interviewers, discussants and presenters. However, they remain underrepresented compared to their male counterparts.

Women were also less visible in the reporting of the campaign, for reasons that are mostly beyond the control of the media. For example, President Barrow was supported by a coalition of a number of political parties,

who usually had their own party leaders speaking at rallies, who tended to be men. Essa Faal, as an independent, was not backed by a large party structure and often his campaign was more of a one-man show, consisting of his personal visits to places rather than rallies featuring several speakers. This meant that not only did he get more direct speech coverage than any of the other candidates, but that women were essentially not visible in the coverage of his campaign. Darboe had the most women featured in his campaign coverage.



## 5.2. Inclusivity

### Youth

According to the World Population Review (2021), 78% of Gambia's population are under 35. The median age is 21 years. The unemployment rate for 2020 was 9.64%, 38% of which are youth no longer in education.

Social media was primarily a youth domain, with the 18-34 age-group constituting 70.1% of The Gambia's Facebook users. According to the Gambian National Youth Parliament, this age group comprises roughly 57% of the electorate. Women were less likely than men to participate in online discussion. The National Youth Leaders' Debate on 23 October was viewed more than 9,000 times on Facebook, yet TEEOM analysis indicated that 85.9% of reactions, including comments, were left by men and just 12.9% by women.

There was no evidence that young people suffered any discriminatory measures during the registration period for this election. The 18 to 25 age group constitutes 30.6% of registered voters whilst the 26 to 35 age group represents 27.1%.

The IEC collaborated with the International Foundation for Electoral Systems (IFES) to provide voter information, installing billboards in a number of locations. These were designed to encourage voter participation by targeting young people, however first-time voters were not considered. This was left to political parties and CSOs who reached out to first time voters themselves. Civic education is led by the National Council of Civil Education which conducted a promotional campaign to target women in particular. Further initiatives led by young people focused on voter education and peace building, including the "No Tribalism, I'm Gambian" campaign from the National Youth Parliament.

Young people were very active during these elections. Male and female coordinators of youth wings often gave speeches at campaign rallies. Young women and men were in charge of logistical tasks and were also responsible for the recruitment and mobilising of their cohort, associations and undecided voters during house-to-house campaigns. Also, young people were to a great degree the organisers, primary audience, and subject matter of the online campaign<sup>25</sup>.

Youth coordination is typically in the hands of young men, with women playing in most of the cases a deputy role, although they also can be found in treasury positions. The coordinators managed certain funds for the hiring of transportation for rally furnishings. Additionally, they independently organise feeding the young people who provide logistical support.

Youth civil society organisations were also very active in this election. The National Youth Parliament conducted a series of activities on voter information, and domestic observation initiatives led by young people were deployed by Elections Watch and Gambia Participates. Young people also contribute to the CSO Coalition on Elections' citizen observation project.

Minor incidents involving young people were observed or reported to the TEEOM, such as lowering the flag of an opposition party at a rally venue or burning t-shirts at gatherings, but overall youth involvement, both in person and online, was characterized by high participation and a lack of serious incidents. During the post-election period, some opposition youth wings and youth-led civil society organisations spread peaceful messages and called for acceptance of the election results.

## **Persons with Disability**

The Population and Housing Census conducted in 2013 indicates that 1.2% of the population suffers some kind of disability. The Convention on the Rights of Persons with Disabilities (CRPD) was ratified in 2015, and this instrument has been recently domesticated with the Persons with Disabilities Act of 2021. The Constitution provides PWD with the right to respect and human dignity and offers protection for PWDs against exploitation and discrimination. There are, however, no special provisions for the political rights of PWDs.

One of the five members in the National Assembly nominated by President Barrow is Hon. Ndey Secka who has visual impairments and is an advocate for the rights of people with disabilities. She is also an activist for the Gambia Federation of the Disabled. The Gambian Ministry of Women, Children and Social Welfare includes within its structure a Department of the Disabled, which is also led by a person with disabilities. Although these two appointments exist within the Gambian administration, there are no provisions to support their integration in the tasks they have to perform, such as the provision of braille materials.

PWD leaders claim that, although they have experience and community support, the important requirement is to have the endorsement from the leaders of the political parties in order to be able to compete in an election. The barrier they encounter is that they are required to compete on equal terms with other competitors, who do not face similar difficulties, such as lack of accessibility in the spaces in which their political parties gather. There are additional problems with holding meetings, such as the lack of any braille materials or sign language translations. Women living with disabilities have to go an extra mile to be accepted or recognised in political parties because of the social stigma and the patriarchal nature of the society.

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<sup>25</sup> Young people's issues were consistently one of the main talking points, whilst under-35s constituted 71.9% of The Gambia's Facebook users as of November 2021.

It is mostly the case that PWDs have to reach out to political parties rather than the other way around. There are no statistics of persons with disabilities in political parties. Only one party, the GDC has a 'Chairman for the Physically Challenged', who has created three PWD regional committees and has contributed to targeting this group during the registration period. This illustrates that having people with disabilities in decision making spaces within political parties can increase the effort to register that community on the electoral roll.

The TEEOM had limited capacity to observe campaign rallies, but at those it did attend, PWD were not politically active. On election day, although the Elections Act states that only a polling officer should assist PWD, the IEC took the initiative to incorporate into its Handbook the good practice of allowing people with visual impairments and physical infirmity vote with a companion. There were no braille ballot drums.

The IEC uses schools as polling stations, which often do not have adequate facilities to allow people with physical disabilities to easily enter and cast their vote. These physical barriers can present a significant disincentive to take part in elections, especially if PWD do not have the support of family members or their community circle. On Election Day, it was reported that a considerable number of polling stations were not adequate to facilitate easy access for persons with disabilities to the polling streams<sup>26</sup>.

PWD were largely absent from the media throughout the campaign. While QTV news provides sign language interpretation, this is an exception rather than the rule. Persons with disabilities were largely invisible in the online campaign, and disabled people's issues were unaddressed in campaign material disseminated online.

## **National minorities**

The World Population Review estimated in 2021 that 42% of the population of The Gambia belongs to the Mandinka community, 18% is Fulani, 16% Wolof, 10% Jola and the remaining 14% is composed of Serahuleh, Serer, Bianunkas, other minorities and non-Gambians. English is the official language, and according to the 1997 Constitution one of the qualifications for membership to the National Assembly is to be able to speak English with a degree of proficiency sufficient to take part in its proceedings, which constitutes a barrier to those not educated in the language. Major political parties can be linked to ethnic cleavages at their support level, but their Executives tend to show a diverse composition.

Whilst Google supports 101 languages, neither Google nor Facebook can provide translations of local languages such as Wolof, Pulaar or Mandinka despite more than ten million native speakers of these languages across the region. This impedes the accessibility to the full spectrum of online content and provides an incentive for the microtargeting of campaign messages to particular ethnolinguistic groups rather than to broader national constituencies. The lack of a provision for translation also increased the costs of the campaign for those seeking to be more inclusive to national minorities as resources had to be devoted to translating campaign material.

An intervention on 2 November by former President Jammeh which was perceived to be tribalistic in nature was met with almost universal disapproval online.<sup>27</sup>

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<sup>26</sup> The Elections Watch Committee reported that in 20% of polling streams observed, voters had to climb stairs; Gambia Participates noted that 8% of the polling stations they observed, were not accessible to PWD. Also, the CSO Coalition on Elections stated that although priority was given to persons with disabilities, access to polling booths was a challenge.

<sup>27</sup> 98% of a sample of Tweets referring to the intervention analysed by the TEEOM were critical of it.

## 6. Recommendations

### A. For the Independent Electoral Commission

No.	Problem	Need	Recommendations	Timeline
A1.	The 2021 IEC Media Rules are overly restrictive and do not adequately take account of the reality of the current Gambian media landscape.	The IEC needs to ensure the Media Rules for future elections accurately reflect the law and are coherent with the current media landscape.	<ol style="list-style-type: none"> <li>1. The IEC should revise the Media Rules to ensure that the provisions on party political broadcasts respect freedom of expression and do not impose limits beyond those in the Elections Act</li> <li>2. The IEC should revise the Media Rules to include limits on paid political ads for private TV in addition to those already existing for private radio</li> <li>3. The IEC should revise the Media Rules to require that party political broadcasts and any paid advertising or coverage during elections is clearly marked as such.</li> </ol>	The Media Rules should be comprehensively revised well ahead of the next scheduled elections and published well in advance of the start of the campaign.
A2.	The IEC does not have a dedicated media unit and the person responsible for communications is also responsible for training and other aspects.	The IEC needs to reinforce its media capacity, with dedicated staff for external communications and an internal media monitoring capacity to ensure compliance with the Media Rules	<ol style="list-style-type: none"> <li>1. The IEC should consider setting up a dedicated media unit to deal with communications and all matters relating to the media, including media monitoring to ensure full compliance with the Media Rules.</li> </ol>	To be in place in time for the next elections and notably before the start of the campaign.
A3.	The IEC lacks the capacity to communicate effectively online. The IEC also lacks the capacity to monitor social media to gain advance warning of emerging threats to electoral integrity and, in the event of an escalation of tensions, the lack of effective preparation from social networks, lawmakers and the IEC continues to pose risks for the spread of disinformation and hate speech.	The IEC needs to enhance its capacity to disseminate its messaging online and to be able to address unfounded rumour and speculation in a timely manner.	<ol style="list-style-type: none"> <li>1. The IEC should commission training in digital threats and counter-disinformation on social media. This training should be attended by a broad range of IEC members to ensure a broad-based understanding of the challenges posed by the online environment.</li> <li>2. The IEC should seek to expand its Facebook presence to at least 5% of Gambian users and prepare an</li> </ol>	The use of online platforms is useful to the IEC throughout the electoral cycle. However, given the scheduled elections next year, this is urgent and should be addressed immediately.

			effective WhatsApp outreach strategy.	
A4.	The IEC includes in its organisational structure a Gender and Inclusion Unit, but with no staff nor budget allocated.	The IEC needs to ensure trained staff and allocate a budget to the Gender and Inclusion Unit in order to make it functional and mainstream these perspectives throughout the institution.	<ol style="list-style-type: none"> <li>1. The IEC should train staff in gender and inclusion perspectives and allocate budget for activities to the Gender and Inclusion Unit to make it functional.</li> <li>2. The IEC needs a Gender Strategy, leading to an increase in the number of women in its structure including in more senior positions.</li> <li>3. The Gender and Inclusion Unit can mainstream the gender and inclusion perspectives to all departments and contribute to the generation of sex and age disaggregated data as well as indicators of PWD, to be used to guide voter education campaigns and electoral operations.</li> <li>4. The IEC can incorporate mechanisms to its processes and procedures to make elections more inclusive, such as braille and sign language materials.</li> </ol>	<p>The Gender Strategy and increased involvement of women in the work of the IEC is desirable for the next election, but may take some time, but should be initiated as soon as possible.</p> <p>Provisions for increased inclusivity of PWD are urgent and should be introduced for the next elections, requiring their incorporation into the next electoral budget, handbook and training.</p>
A5.	The IEC relies on public schools with no accessible infrastructure to install polling stations.	The IEC needs to identify the public schools with the adequate infrastructure to install polling stations and provide easy access to PWD.	<ol style="list-style-type: none"> <li>1. The IEC could identify suitable locations for polling to ensure more easy access for PWD and identify appropriate support mechanisms to facilitate voting by PWD.</li> </ol>	In time for IEC's operational planning prior to next elections.

## B. For Lawmakers

No.	Problem	Need	Recommendations	Timeline
B1.	Certain provisions in the Criminal Code and the Information and Communications Act do not fully align with international standards on freedom of expression and freedom of the media	Amendments of the relevant laws to ensure full compliance with international standards.	<ol style="list-style-type: none"> <li>1. Lawmakers could consider revising the Criminal Code and the Information and Communications Act to ensure adequate protection and freedoms for media, with full consultation of media stakeholders.</li> </ol>	Within the next parliament.

B2.	The legal framework is ill-equipped to safeguard fundamental freedoms online and is at odds with the Gambia's international commitments.	Lawmakers need to be equipped to provide effective scrutiny to existing, pending, and required legislation including the draft Constitution and a Data Protection Act.	1. Lawmakers should consider commissioning training in digital threats, digital rights, and data protection to be attended by members from all political groups, possibly in the context of a designated committee in the Assembly.	Given the new administration's stated intention to prioritise constitutional reform, the training of lawmakers on digital threats, digital rights, and data protection should be addressed immediately.
B3.	The legal framework includes minimum regulations on campaign finance that could cause inequity in the electoral competition and impact on representation.	Lawmakers need to address campaign expenditure of political parties and independent candidates.	1. Lawmakers should consider a post-election debate on campaign funding and expenditure to provide transparency and accountability and contribute to a more level playing field, including a gender and inclusion impact assessment.	Within the next parliament.

### C. For Political Parties

No.	Problem	Need	Recommendations	Timeline
C1.	Most political parties do not have women in decision-making spaces.	Political parties need to ensure the meaningful participation of women.	<ol style="list-style-type: none"> <li>1. Consider mechanisms on how to promote the meaningful participation of women in each party, including in leadership positions.</li> <li>2. Consider strengthening the role of Women's Wings to promote the parties' policies with a gender perspective.</li> </ol>	Towards the next parliamentary elections, and throughout the electoral cycle.
C2.	Most political parties do not have young people and persons with disabilities in decision-making spaces.	Political parties need to ensure the inclusion of youth and PWD in decision-making spaces to ensure their concerns are taken into consideration.	<ol style="list-style-type: none"> <li>1. Consider strengthening the substantive role of Youth Wings to promote the parties' policies with a youth perspective.</li> <li>2. Consider creating PWD portfolios within political parties to enhance registration of the PWD community.</li> <li>3. Consider promoting the participation of young people and PWD in the formulation of parties' manifestos.</li> </ol>	Towards the next parliamentary elections, and throughout the electoral cycle.

## D. For Civil Society

No.	Problem	Need	Recommendations	Timeline
D1.	Freedom of speech and freedom of the media is not fully protected in national legislation, which is not in line with the provisions of the Constitution and international standards.	Political will needs to be built to repeal problematic clauses of existing laws related to sedition, criminalization of libel and spreading of false news.	1. CSOs could consider engaging in awareness raising campaigns to lobby for the repeal of problematic clauses in the legislation and keep the topic high on the agenda of the National Assembly	Awareness activities should be deployed in advance of the start of the 2022 election campaign and continue throughout the electoral cycle.
D2.	Women's rights activists lack resources to reach women from diverse backgrounds and regions throughout the country and this situation tends to limit their activities to urban areas.	Funding and technical support need to be sufficient to enable women's rights advocates to reach more regions and women from different backgrounds to create an environment towards social and cultural changes.	1. CSOs could consider supporting women's rights activists to develop efficient strategies to promote gender issues and mechanisms such as quotas to increase women's participation in politics and elections.	Support should be deployed in advance of the start of the 2022 election campaign and continue throughout the electoral cycle.
D3.	Women, youth and persons with disabilities participate in political parties and elections in secondary roles and they lack the endorsement of political parties to run for office.	Training and support to establish and enhance networks need to be ensured to increase women, youth and persons with disabilities' possibilities to run for office.	1. CSOs should analyse participation of underrepresented groups in elections to enhance understanding of the extent and challenges faced. This analysis can be used to support the IEC and lawmakers in developing appropriate responses in enhancing participation.	Training and support should be deployed in advance of the start of the 2022 election campaign and continue throughout the electoral cycle.

## E. For Social Networks

No.	Problem	Need	Recommendations	Timeline
E1.	The origin and financing of online content lacks transparency.	Social networks need to extend tools to The Gambia.	1. Social media companies should consider extending transparency features they already deploy in other countries to the Gambia. These include the Facebook Ad Library, Facebook Ad Library Report, and Google Transparency Report.	These features should be deployed in advance of the start of the 2022 election campaign, with adequate time to ensure there is familiarity with what are quite complex tools.

## F. For International Partners

No.	Problem	Need	Recommendations	Timeline
F1.	Many journalists have not been properly trained in professional ethics and standards	Training in professional ethics and standards for journalists	1. Funding for training programmes, with election-specific aspects, could be considered.	This will realistically be an on-going need for the foreseeable future, but targeting of journalists in time for next two electoral cycles would be helpful.
F2.	An array of factcheckers had inadequate reach, which limited their effectiveness.	Factchecking capacity needs to be bolstered through earlier preparation, sharing of international expertise in counter-disinformation, and by strategizing content reach well in advance of the campaign. This should include the harnessing of influencers.	1. International partners could consider supporting factcheckers so they are equipped not only to produce quality content, but to disseminate that content widely across networks built long-before the election.	Factchecker networks should ideally be maintained at a minimum level throughout electoral cycles. Preparation and network-building for a specific election should be undertaken three months in advance of the opening of the campaign in order to do so in a strategic and focused manner whilst allowing sufficient time for the intervention to be of maximum impact.
F3.	The IEC suffered from deficient communication strategies and an unfunded Gender and Inclusion Unit.	Technical assistance on key aspects of communication and gender and inclusivity mainstreaming needed.	1. International partners could consider providing assistance to help enhance the IEC's communications capacity, including a gender and inclusivity perspective.	This is important to have in place in time for the next election and certainly before the next presidential poll.
F4.	The IEC includes in its organisational structure a Gender and Inclusion Unit, but with no staff nor budget allocated.	The IEC's Gender and Inclusion Unit requires appropriate resourcing to make it effective.	1. International partners could consider encouraging Government and the IEC to adequately staff and resource the Gender and Inclusion Unit.	This is important to have in place in time for the next election and certainly before the next presidential poll.
F5.	Women, youth and PWD activists had inadequate reach around the country, which limited their effectiveness, notably in outlying areas.	Women, youth and PWD activists need to enhance their communication and networking capacity.	1. International partners can consider providing assistance to enhance the capacity of underrepresented groups to design and communicate their strategies.	This is important to have in place in time for the next election and certainly before the next presidential poll.

**Westminster Foundation for Democracy (WFD) is the UK public body dedicated to supporting democracy around the world. Operating internationally, WFD works with parliaments, political parties, and civil society groups as well as on elections to help make countries' political systems fairer, more inclusive and accountable.**

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