



Ref: EFSCRJ/PR/007/2026

PUBLIC STATEMENT

16th July 2026

**EFSCRJ Statement on the NHRC 2025 Human Rights Reports and Submission of
Recommendations for Strengthening Human Rights Protection in The Gambia**

The Edward Francis Small Centre for Rights and Justice welcomes the press briefing convened by the National Human Rights Commission (NHRC) on Tuesday, July 14, during which it presented its reports:

1. State of Human Rights in The Gambia 2025,
2. Status of Monitoring the Government White Paper on the TRRC (June – December 2025),
3. Annual Activity Report 2025, and
4. Prisons Monitoring Report.

We commend the NHRC for its important work and welcome this briefing as a vital mechanism for promoting human rights, strengthening transparency, and enhancing the Commission's accountability to the Gambian people.

EFSCRJ urges all independent constitutional and statutory institutions to emulate this practice by regularly sharing their reports, publishing their findings, engaging the public on issues within their mandates, and submitting themselves to public scrutiny. Such openness is essential for strengthening democratic governance, fostering public trust, and reinforcing institutional accountability.

We note with grave concern the critical issues highlighted during the briefing. From prison conditions, the exercise of the right to peaceful assembly, police conduct during public demonstrations, the implementation of the Truth, Reconciliation and Reparations Commission (TRRC) recommendations, transitional justice, and the increasing volume of complaints received by the Commission, the NHRC has once again exposed serious challenges confronting the protection and enjoyment of human rights in the Gambia. EFSCRJ shares these concerns and believes they deserve urgent attention from all organs of State.

While we acknowledge the progress made since 2017 in establishing legal and institutional frameworks for the protection of human rights, we equally share the NHRC's concern that these advances have not translated into stronger protection of rights or greater accountability. We have reached the same conclusion in our own *State of Human Rights in The Gambia Report 2025*, which observed that although the country has established several important laws and institutions, including the NHRC itself, human rights violations committed by both State institutions and private actors remain widespread. The creation of institutions and laws, by itself, does not guarantee democratic governance, constitutionalism, or respect for the rule of law.

Indeed, the Gambia already possessed several of its most significant governance and accountability institutions long before the democratic transition in 2017. The Independent Electoral Commission (IEC), the National Audit Office (NAO), the Office of the Ombudsman, the Public Utilities Regulatory Authority (PURA) and many more, together with progressive legislation such as the Women's Act, Children's Act, and Public Finance Act among many others, were all established during the Yaya Jammeh regime. Yet that same





period remains the darkest chapter in our history, characterized by systematic human rights violations, widespread corruption, abuse of power, and entrenched impunity.

This reality demonstrates that democratic progress cannot be measured simply by the existence of laws and institutions. Their true value lies in their effective, impartial, and consistent enforcement. Where institutions fail to discharge their mandates independently and where laws are selectively enforced or ignored altogether, the rule of law deteriorates, democratic governance weakens, and human rights inevitably suffer. Regrettably, this has remained a defining feature of governance in the Gambia since 2017.

The threats facing human rights today extend far beyond civil and political liberties. While police brutality, unlawful arrests, restrictions on peaceful assembly, and poor detention conditions continue to undermine civil and political rights, social, economic, and cultural rights are increasingly under strain. The introduction of increased hospital user fees, the rising cost of education, persistent electricity and water shortages, poor waste management services, and declining public service delivery among others continue to erode citizens' ability to enjoy their economic and social rights.

At the same time, the weak enforcement of key protective legislation, including the Women's Act, Children's Act, Sexual Offences Act, Domestic Violence Act, and Persons with Disabilities (PWDs) Act continues to expose women, children, PWDs, and other vulnerable groups to violence, discrimination, and abuse. Equally alarming is the slow pace of transitional justice. With only one year remaining before the implementation period expires, only 46 of the 263 accepted TRRC recommendations have been fully implemented. This represents a profound setback for accountability, reconciliation, and the country's commitment to ensuring that the atrocities of the past are never repeated.

EFSCRJ therefore concludes that the protection of human rights in the Gambia remains fragile. The principal obstacles continue to be the lack of genuine political will, persistent disregard for the rule of law, widespread corruption, impunity, and the selective application of the law across the public sector. These challenges continue to undermine the State's constitutional obligation to respect, protect, and fulfil the rights and freedoms of every person.

Law enforcement agencies and the Judiciary occupy a central position in safeguarding human rights. However, both institutions face serious challenges. Law enforcement institutions continue to suffer from political interference, resulting in their politicization and, at times, weaponization against citizens exercising their constitutional rights. The Judiciary, on the other hand, continues to struggle with inadequate resources, institutional weaknesses, and leadership challenges that undermine the efficient administration of justice.

As documented in EFSCRJ's *State of Human Rights in The Gambia Report 2025*, delays in court proceedings, poor court administration, inadequate judicial infrastructure, and broader barriers to accessing justice continue to deny timely justice to citizens. These shortcomings not only weaken public confidence in the justice system but also contribute to prolonged pre-trial detention, overcrowded prisons, and inhumane detention conditions, concerns that were equally underscored by the Chairperson of the NHRC during the press briefing.

Accordingly, and in light of the concerns highlighted by the NHRC and contained in its various reports, EFSCRJ respectfully submits the following recommendations to strengthen



the rule of law, enhance institutional accountability, and improve the protection of human rights in the Gambia.

Recommendations

1. Political Will and Commitment

EFSCRJ urges the President of the Republic, the Cabinet, and the heads of the other two co-equal branches of Government, i.e., the Speaker and Members of the National Assembly, and the Chief Justice together with the Judiciary, to faithfully uphold their oaths of office by adhering strictly to the Constitution and the laws of the Gambia without fear, favour, or compromise.

The protection of human rights and the entrenchment of the rule of law begin with exemplary leadership. It is incumbent upon the heads of these institutions to demonstrate unwavering political will and an uncompromising commitment to constitutionalism by ensuring that the law is enforced equally against all persons and institutions.

We further urge these leaders to institutionalize efficiency, professionalism, transparency, accountability, and service delivery in the execution of their constitutional mandates. Only through principled leadership can the country effectively prevent abuse of power, combat corruption, strengthen democratic governance, and guarantee the full protection and fulfilment of human rights.

2. Depoliticizing and De-weaponizing Law Enforcement

EFSCRJ calls for an urgent and comprehensive review of the Police Act to guarantee the operational and professional independence of the Gambia Police Force and insulate it from political interference or influence from any quarter.

Recent events have demonstrated that several decisions and actions of the Police have fallen short of constitutional and professional standards, suggesting undue external interference in law enforcement. Such interference undermines public confidence, weakens the rule of law, and compromises the Police's constitutional responsibility to serve all citizens impartially.

To build an effective, professional, and independent police service, we recommend that the Police Act be amended to, among other reforms, make the appointment of the Inspector General of Police subject to parliamentary approval and oversight. The Inspector General should be accountable to the National Assembly in the performance of his constitutional and statutory responsibilities.

Like the National Audit Office and the National Human Rights Commission, the Gambia Police Force should enjoy institutional independence that enables it to prevent and combat crime impartially, enforce the law fairly, and protect the rights and freedoms of every person without political direction or influence.



3. Strengthening the Functions of the National Human Rights Commission

EFSCRJ calls for an urgent review of the National Human Rights Commission Act to strengthen the Commission's mandate beyond its current advisory functions by providing it with more effective powers to protect human rights.

Section 12 of the NHRC Act principally mandates the Commission to monitor, investigate, document, advise, recommend, educate, and encourage respect for human rights. While these functions are essential, they are insufficient for a State institution constitutionally mandated to protect human rights.

A human rights institution that lacks the legal authority to prevent violations, compel compliance, initiate enforcement actions, or effectively hold perpetrators accountable risks becoming a passive observer rather than an active protector of rights. Such limitations not only diminish the Commission's effectiveness but also create the danger that persistent violations may continue despite repeated investigations, reports, and recommendations.

The NHRC should therefore be empowered with stronger statutory authority that enables it not merely to document violations but also to ensure effective protection, prevention, enforcement, and accountability.

4. Strengthening the Powers of the NHRC

Although Section 13 of the NHRC Act accords the Commission powers equivalent to those of a High Court in the exercise of its investigative functions, the Commission remains without the legal authority to independently prosecute human rights violations or enforce compliance with its decisions and recommendations.

Consequently, the NHRC frequently investigates violations, documents evidence, issues reports, and submits recommendations to relevant authorities, only for many of those recommendations to be ignored, only partially implemented, or delayed indefinitely.

Without effective enforcement powers, the Commission remains unable to stop ongoing violations, provide timely remedies to victims, or ensure that perpetrators are held accountable. This significantly weakens its constitutional mandate and limits its effectiveness as the country's principal human rights institution.

Accordingly, EFSCRJ recommends that the NHRC Act be amended to grant the Commission the authority to institute proceedings before competent courts and enforce compliance with its lawful decisions through fines, closures, suspensions, and other sanctions to strengthen accountability for human rights violations.

5. Establishment of a Human Rights Court

To give practical effect to constitutional rights and strengthen access to justice, EFSCRJ strongly recommends the establishment of a specialized Human Rights Court with exclusive jurisdiction over human rights matters.

We urge Government to initiate legislation establishing such a court, clearly defining its jurisdiction, powers, procedures, and relationship with the existing court system.



A specialized Human Rights Court would significantly enhance the enforcement of constitutional rights, complement the work of the NHRC, and provide victims of human rights violations with timely and effective judicial remedies. It would also promote greater compliance with the Constitution by public institutions and public officials, strengthen accountability, reduce impunity, and reinforce respect for the rule of law.

Furthermore, such a court would help reduce the workload of the ordinary courts, minimize case backlogs, accelerate the determination of human rights cases, and reduce prolonged remand detention, thereby contributing to improved prison conditions and greater public confidence in the administration of justice.

Conclusion

EFSCRJ respectfully submits these recommendations to the Government, the National Human Rights Commission, the National Assembly, the Judiciary, civil society organizations, development partners, the media, and the Gambian people for urgent consideration and action.

The protection of human rights is not a matter of political discretion or administrative convenience, rather it is a constitutional obligation and the foremost duty of the State. Sixty-one years ago, the Gambia attained independence on the promise that its citizens would live in freedom, equality, dignity, and justice under the rule of law. Every public institution therefore exists solely to uphold that promise by respecting, protecting, and fulfilling the rights and freedoms of the people.

As stipulated in Section 1(2) of the Constitution,

"The Sovereignty of The Gambia resides in the people of The Gambia from whom all organs of government derive their authority and, in whose name, and for whose welfare and prosperity the powers of government are to be exercised in accordance with this Constitution."

This provision makes it abundantly clear that the State derives its legitimacy solely from the people and exists exclusively to promote their welfare, prosperity, dignity, and freedoms. Government is therefore not an end in itself but a constitutional instrument established to serve the people and safeguard their rights.

The Constitution further reinforces this obligation in Section 17, which provides that,

"The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by all organs of the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia, and shall be enforceable by the Courts in accordance with this Constitution."

It further provides that,

"Every person in The Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in





this Chapter, but subject to respect for the rights and freedoms of others and for the public interest."

These constitutional provisions leave no room for ambiguity. They impose a binding obligation on every organ of State and every public official to respect, protect, promote, and fulfil the rights and freedoms guaranteed under the Constitution. They equally affirm that every person in the Gambia is entitled to equal protection of the law without discrimination or exception.

Our recommendations are therefore firmly grounded in the Constitution of the Gambia and reinforced by the country's obligations under the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the other regional and international human rights instruments to which the Gambia is a State Party.

For this reason, EFSCRJ reiterates that strengthening the protection of human rights requires more than progressive legislation or the establishment of institutions. It demands unwavering political will, faithful adherence to the Constitution, independent and competent public institutions, impartial enforcement of the law, and effective accountability for every violation of human rights.

The Republic cannot claim to be governed by the rule of law while constitutional rights are violated with impunity, public institutions are weakened by political interference, or justice is delayed or denied. A democratic State is measured not by the number of institutions it creates but by the extent to which those institutions faithfully uphold the Constitution and protect the dignity of every citizen.

EFSCRJ therefore calls upon all branches of Government, constitutional and statutory institutions, civil society organizations, the media, development partners, and every Gambian citizen to renew our collective commitment to constitutionalism, accountability, and respect for human rights. The protection of human rights is a shared national responsibility that demands vigilance, integrity, courage, and unwavering commitment from us all.

EFSCRJ remains steadfast in defending the Constitution and the Republic and in protecting the sovereignty, rights, freedoms, and dignity of every Gambian. We shall continue to advocate for a society founded on justice, equality, accountability, and the rule of law, where every citizen can live free from fear, discrimination, abuse of power, and injustice.

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