



SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Enabling Environment

Snapshot

The Gambia

March 2025



This document has been produced by Gambia Participates

Context

Since transitioning from Yahya Jammeh's rule in 2016, The Gambia has made [democratic progress](#), such as in terms of credible elections, but governance challenges remain. The [rejection](#) of the 2020 Draft Constitution, which aimed to introduce presidential term limits and strengthen checks on executive power, was a major democracy setback. In 2024, [a new draft constitution](#) was introduced, retaining a two-term presidential limit but omitting retroactive application, potentially allowing the current president to serve beyond the two-term limit. Additionally, [concerns](#) from civil society have emerged about limited public consultation and an executive-driven process, making the draft less inclusive than its 2020 counterpart. The success of this reform process will be crucial in shaping The Gambia's democratic future.

Some notable developments in the last year include in July 2024, when the National Assembly upheld the 2015 ban on Female Genital Mutilation (FGM), rejecting a repeal bill – [a decision praised by human rights](#) organisations as a victory for women's rights. In December 2024, the Economic Community of West African States (ECOWAS) approved the establishment of a [special court](#) to prosecute crimes committed during Yahya Jammeh's dictatorship, marking a significant step toward justice and accountability for past atrocities.

1. Respect and protection of fundamental freedoms

According to the [1997 Constitution](#) of The Gambia, the rights to freedom of assembly, speech, and association are guaranteed under Article 25. Subsection (d) specifically addresses freedom of assembly, with subsection (a) empowering citizens with the right to gather peacefully and express their opinions, and subsection (e) allowing the formation of associations without unreasonable restrictions. In recent years, The Gambia has made notable progress in governance and civil liberties, including the enactment of [the Anti-Corruption Act](#), [swearing in commissioners](#) for the Access to Information Commission, [improved press freedom](#), and efforts to implement Truth, Reconciliation and Reparations Commission (TRRC) recommendations for transitional justice.

Despite progress, certain restrictive laws continue to pose challenges to human rights, particularly concerning freedom of expression and press freedom. Several laws from the previous regime remain in effect, limiting fundamental freedoms. Notably, sections 59 of the 1993 [Criminal Code criminalize](#) sedition and the dissemination of false news. In 2018, while the [Gambian Supreme Court](#) declared criminal [defamation unconstitutional](#), it upheld these provisions, which continue to be used against journalists and activists.

High-ranking officials have used the provisions to initiate defamation lawsuits against journalists, raising concerns about press freedom. For instance in September 2024, President Adama Barrow filed a [defamation lawsuit](#) against *The Voice* newspaper and its editor-in-chief, Musa Sekou Sheriff, following a report suggesting he had chosen a successor. The lawsuit

was later withdrawn after appeals from media representatives and human rights organisations. Similarly, Environment Minister Rohey Manjang filed a [defamation lawsuit](#) against Alkamba Times chief national/investigative correspondent Kebba Ansu Manneh over articles alleging corruption within the ministry. These actions have [drawn criticism](#) from press freedom advocates and have sparked significant concern among press freedom organisations.

[The Public Order Act](#), regulates public assemblies and demonstrations and requires CSOs to notify authorities in advance when organising public events or protests. It has been used to suppress freedom of assembly in the country. While intended to maintain public order, this Act has been used as an excuse to target protesters, such as the University of The Gambia [protest](#) in December 2024. Peaceful demonstrators were met with excessive force by police, prompting criticism from the [Centre for Human Rights and Development](#).

Additionally, in April 2024, Marr Nyang, leader of the anti-corruption organisation Gambia Participates, along with seven other civil society advocates, [was arrested and detained](#) for attempting to hold a peaceful sit-down protest addressing concerns about the disruption of ferry services and alleged corruption within the Gambia Ferry Service. They were charged with misdemeanours, including common nuisance, unlawful assembly, and disobeying lawful orders.

2. Supportive legal framework for the work of civil society actors

In The Gambia, the legal framework governing civil society organisations (CSOs) encompasses several key aspects. CSOs are mandated to register with the government to operate legally, with the primary legislation overseeing this process being the [Non-Governmental Organisations \(NGO\) Act](#). This Act outlines the procedures for registration and establishes the regulatory framework within which CSOs must function. While the NGO Act does not explicitly require CSOs to obtain pre-approval for their activities, it grants the government authority to oversee and monitor CSO operations, ensuring compliance with stated objectives and adherence to national laws. All registered NGOs (local and international) are required to sign a Protocol of Accord with the government, which outlines the terms under which they operate. If an organisation violates the terms of this accord such as engaging in activities contrary to public order or national security, the Ministry of Justice - through the NGO Affairs Agency - has the power to revoke it, effectively halting the organisation's legal operations in the country.

Government interference in CSO activities remains a concern. Various human rights groups have expressed deep concern over [the arrests](#) and ongoing police harassment of civil society advocates and activists in The Gambia following their attempt to peacefully voice concerns about ongoing delays and alleged corruption of a public ferry service.

3. Accessible and sustainable resources

The Gambia does not have a specific law that prohibits CSOs from receiving foreign funding. However, organisations must comply with financial regulations, including the [Companies Act](#) and the [Non-Governmental Organisation \(NGO\) Act](#). The latter requires CSOs to register with the Ministry of Justice and the NGO Affairs Agency under the Ministry of Local Government. While foreign funding is not explicitly restricted, increased scrutiny and bureaucratic hurdles can affect the ease of accessing international grants, especially for smaller organisations, hindering their capacity to engage effectively in advocacy, governance monitoring, and other critical activities.

A pertinent example of the challenges faced by CSOs in The Gambia is the [recent freeze](#) on U.S. Agency for International Development (USAID) funding. In February 2025, the U.S. government enacted a 90-day suspension of humanitarian assistance and development aid, leading to significant disruptions globally. In The Gambia, this suspension has severely affected organisations working on human rights, democracy-building, and social development. Some CSOs have had to halt projects, reduce staff, or shut down operations due to the sudden loss of funding. For instance, [programmes supporting victims](#) of past human rights violations and initiatives aimed at strengthening democratic institutions have been put on hold, undermining years of progress.

Additionally, CSOs must comply with the [Financial Intelligence Act](#) and anti-money laundering regulations, ensuring transparency in donor transactions. While designed to prevent illicit financial flows, [these laws](#) sometimes create [administrative burdens](#) that can hinder the timely receipt of international funding.

The Gambian government does not have a structured national funding mechanism for CSOs. Most CSOs rely heavily on external donor funding, with minimal financial support from state institutions. While government contracts or partnerships may occasionally provide project-based funding, these are rare and often [subject to political influence](#).

Despite these challenges, CSOs have benefited from conditions under the current administration compared to the previous, enabling [partnerships](#) like those with the International Republican Institute to promote governance and civic education.

4. State openness and responsiveness

From 2023, The Gambian government [demonstrated](#) increased openness and responsiveness towards civil society actors, while progress and challenges shaped their collaboration. The implementation of the [2021 Access to Information Act](#) gained momentum, enhancing transparency and access to public information. The [African Development Bank's Civil Society](#) Engagement Action Plan 2024-2028 also reinforced the role of civil society in

fostering inclusive development. Three years since the passing of the Access to Information Act, the President finally [appointed the commissioners](#) of the ATI commission and reaffirmed the government's commitment to fostering transparency and strengthening partnerships with CSOs. This landmark legislation provides a framework for public access to information, enabling participatory democracy and promoting open governance practices. President Barrow's [restructuring](#) of the information sector, i.e. dividing the existing Ministry of Information and Communication Infrastructure (MoICI) into two separate entities, emphasized the importance of a secure and predictable environment for stakeholders. This division allows for better management of information dissemination, improved regulatory oversight, and a clearer focus on digital transformation, creating a more secure and predictable environment for CSOs, journalists, and the public. Efforts to enhance CSO-government engagement included the August 2024 [roundtable](#) discussion in Banjul on security sector reform, promoting dialogue between security institutions and CSOs.

Despite these advancements, significant challenges persisted. The Justice Minister claimed broad consultation with civil society on the 2024 draft constitution, but [FactCheck](#) Gambia reported these claims as misleading, as political parties and civil society [denied](#) involvement. The delay in finalising the draft constitution frustrated civil society, as it contained critical governance and [accountability](#) reforms. However, there have been some spaces, for instance in collaboration with the Ministry of Finance and Economic Affairs. The CSO Gambia Participates produced the [Citizens' Budget 2024](#) which is a citizen friendly version of the 2024 Enacted Budget, and on 25th April 2024, convened about 10 government ministries to present their fiscal activities and budget plans to other CSOs. This was part of a collaboration with the Ministry of Finance and Economic Affairs to increase public participation in the budget process and also increase budget accountability.

5. Political Culture and Public Discourses on Civil Society

In 2024, civil society in The Gambia played a significant role in shaping governance, democracy, and social justice, despite challenges like political polarisation and accusations of partisanship. Some CSOs were criticised for perceived alignment with international partners and the incumbent government, undermining their neutrality. For example, Gambia Participates received [backlash](#) on social media, mainly from opposition supporters, for calling on parliamentarians to pass the 2024 draft constitution with amendments. Advocacy efforts addressing corruption and transparency also often face backlash, with officials accusing CSOs of undermining development or acting on foreign agendas. For example, the Gambia government solely [rejected](#) the [Afrobarometer findings](#) by Centre for Research and Policy Development.

The National Human Rights Commission, the Association of Non-Governmental Organisations in the Gambia (TANGO), and Gambia Participates (GP) were prominent in constitutional reform, notably with GP organising a five-day review in October 2024 to compare

the 2020 and 2024 draft constitutions. Their work aimed to inform the legislative process but [faced criticism](#), particularly from [opposition parties](#) supporting the 2020 draft. In parallel, public support for CSOs grew significantly as citizens engaged in campaigns on corruption, gender equality, and youth empowerment. Media coverage of CSO-led activities, such as constitutional reforms, youth unemployment, and climate action, amplified their visibility and [credibility](#).

6. Access to a Secure Digital Environment

The Gambian government has prioritised digital access and inclusion as a key national agenda. To strengthen its commitment to digital rights and openness, the government restructured the Ministry of Information, Communication, and Infrastructure in July 2022, creating two separate entities: the Ministry of Information and the Ministry of Communications and Digital Economy (MOCDE). This restructuring has enabled a more focused approach to developing The Gambia's digital landscape. The MOCDE has since introduced various [policies](#) aimed at fostering a secure and inclusive digital environment. However, [concerns](#) remain regarding government control over online spaces. The Criminal Code still contains provisions that criminalise online speech, such as false information laws used to target journalists and activists. For instance, in 2020, an activist was prosecuted under a [sedition law](#) for comments made on social media, as well as in 2022 and 2023, as sections 51 and 52 of the Criminal Code criminalise sedition, including hateful remarks against the president of the Republic or the administration of justice.

The [Cybercrime Bill](#) of March 2024 is set to create more obstacles for CSOs by [restricting digital freedom and online access](#), limiting their advocacy and engagement capabilities. Some restrictions raised included privacy and anonymity tools, giving authorities the power to compel service providers to help intercept and decrypt data, and make media organisations, civil society and their senior leadership criminally liable for stories and investigations.

In addition to the provisions criminalising online expression, the Cybercrime Bill also includes extensive police and surveillance powers in relation to the offences defined under the law, including wide-ranging search and seizure powers of law enforcement, allowing police to mandate service providers to decrypt content and to use “reasonable force” during seizures. It also makes the mere possession of digital security tools, without intent to commit any crime, a criminal offence in itself.

The Gambia also lacks [comprehensive data protection legislation](#), resulting in gaps in digital privacy protections. The Information and Communications Technology Act of 2009 permits the monitoring and interception of communications by national security agencies, raising concerns about privacy rights. Although a [Data Protection and Privacy Bill](#) was initiated in 2020, it has yet to be enacted

Challenges and Opportunities

In the next four months, CSOs in The Gambia will navigate significant challenges while leveraging key opportunities to enhance civic engagement, governance, and human rights advocacy.

Challenges:

1. **Cybercrime Bill 2023:** The bill, currently under parliamentary review, [raises concerns](#) over digital rights and press freedom. If passed, its provisions could criminalise online dissent and surveillance circumvention tools, thereby restricting CSO activities, investigative journalism, and public discourse.
2. **2024 Draft Constitution:** While the draft constitution presents a crucial opportunity for reform, [concerns persist](#) regarding the potential centralisation of executive power and ambiguities in human rights protections. If the draft constitution is passed in its current form, these issues could weaken institutional checks and balances and limit protections for marginalised groups, posing challenges for CSOs advocating for transparency and inclusivity.

Opportunities:

1. **Constitutional Review Process:** In February 2024, an induction meeting was held to foster consensus among National Assembly Members on contentious issues that previously led to the draft constitution's rejection in September 2020. While the session itself was a parliamentary dialogue, it forms part of a broader, phased approach toward constitutional reform that includes civil society engagement at other stages.
Upcoming Advocacy Opportunities: While the first reading of the 2024 draft constitution in Parliament occurred in December 2024, CSOs continue to play a crucial role in advocating for amendments that reinforce democratic values. Ongoing advocacy efforts focus on ensuring the constitution upholds human rights protections and governance reforms. CSOs are encouraged to participate in public consultations, submit position papers, and engage in dialogue with legislators. The National Assembly announced on 7th March 2025 that the second reading of the Constitution (Promulgation) Bill, 2024, initially scheduled for 27th March 2025, has been postponed until June.
2. **Ministry of Justice-CSO Platform on the Truth, Reconciliation & Reparations Commission (TRRC) Recommendations:** Launched on 5th April 2022, [the MoJ-CSO Platform](#) is a collaborative effort between the Ministry of Justice and various CSOs, including the International Coalition of Sites of Conscience (ICSC), Global Initiative for Justice, Truth and Reconciliation (GIJTR), and The Association of Non-Governmental Organisations in The Gambia (TANGO). The platform provides a structured avenue for CSOs to monitor and influence the implementation of the Truth, Reconciliation and Reparations Commission (TRRC) recommendations, ensuring accountability in transitional justice. This is a key platform for CSOs to monitor, participate in and influence the implementation of the TRRC recommendations, which are key in terms of justice and accountability in the country.

This publication was funded/co-funded by the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.



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