



# VICTIM-CENTERED APPROACH TO TRANSITIONAL JUSTICE

**COUNTRY:** The Gambia

## INTRODUCTION

President Yahya Jammeh ruled the Gambia with an iron fist for more than two decades. During this period, Jammeh's administration was accused of severe human rights abuses such as the death, torture, rape, arrest, detention, and enforced disappearance of an unknown number of people. In December 2016, Jammeh was defeated in the national election, and his departure from power in January 2017 provided an opportunity to pursue truth, justice, and accountability. The Gambia Truth Reconciliation and Reparations Commission (TRRC, or the Commission) was launched in October 2018 and mandated to investigate and establish an impartial historical record of the abuses of human rights committed between July 1994 and January 2017.<sup>1</sup> Since then, many witnesses have appeared during the hearings to give an account of the gross violations of historic proportion that happened during Jammeh's regime. The TRRC testimonies revealed that women and girls were particularly vulnerable to state-sponsored acts of violence, such as sexual and gender-based violence (SGBV), during Jammeh's 22 years of dictatorship.<sup>2</sup>

The TRRC made efforts to include the experiences of victims of SGBV in the process. The ninth session of the public hearings of the TRRC was specifically dedicated to the investigation of SGBV crimes during Jammeh's 22 years of dictatorship.<sup>3</sup> The Commission encouraged victims of SGBV to come forward and testify or to give a statement of their experiences. However, despite these efforts, only a few women participated in the process, resulting in the under-reporting of SGBV crimes during the Commission.

Additionally, the TRRC was not decentralized; as such, victims, especially women in rural communities who were mostly poor, were expected to find their way to the TRRC headquarters to participate in the process. During WILL's engagements with rural communities between 2018 and 2021, many victims from rural areas such as the Foni reported that this affected their participation in the TRRC process, and they missed the opportunity to pursue truth, justice, and accountability for past human rights violations that occurred to them or in their communities.<sup>4</sup> Furthermore, the Gambia is a patriarchal society. Many women would have to take permission from male members of their family, such as husbands, fathers, uncles, or sons, before taking part in the process. Therefore, the decision to participate in the TRRC often does not depend on a woman. These existing sociocultural and societal contexts significantly affected women's participation in the TRRC process.

After fulfilling its mandate, the Gambia TRRC published its final report in December 2021. Findings from the report show that during Jammeh's 22 years of dictatorship, Gambian citizens were subjected to severe human rights violations, including murder, enforced disappearance, torture, sexual violence, and unlawful disappearances.<sup>5</sup>

The Commission reported that during Jammeh's 22 years of dictatorship, SGBV was used as a weapon against those perceived as Jammeh's opponents and to maintain power. The TRRC report strongly indicates in its different themes that women were subjected to different forms of SGBV, including forced nudity, sexual harassment, forced abortion, genital torture, and rape. The report highlighted that while both men and women experienced abuse and violations, the abuse and violations endured by women during Jammeh's 22 years of dictatorship are unique because, in most cases, women were specifically targeted because of their gender.<sup>6</sup>

The Gambian government has accepted over 95% of the TRRC recommendations in *The Government White Paper*.<sup>7</sup> Some of the recommendations include the prosecution of Jammeh and other senior members of Jammeh's government and the need to increase awareness raising on SGBV with a focus on changing attitudes that promote victim blaming, as well as for the Gambian government to establish a mechanism to implement a victim support fund, provide safe spaces for victims of SGBV, and invest in research and education on

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SGBV. The next stage of the process is the complete and fair implementation of the TRRC recommendations, including reparation for victims. However, there are concerns that many female victims who did not participate in the formal process will miss the opportunity to pursue justice and reparations.

## **BACKGROUND**

The 1997 constitution of the Gambia provides protection for the human rights of all people in the country. However, the constitution also recognizes both customary and Shari'ah as the applicable personal status laws. In many cases, the application of these laws is not favorable to women and girls. Jammeh was seen as a president who supported women and girls' advancement. For example, under his rule, he introduced and ratified endless laws for the protection of women, including the Women's Act (2010) and the banning of female genital mutilation (FGM) through the amendment of the Women's Act in 2015.<sup>8</sup> Nonetheless, evidence from the TRRC shows that these laws were just ceremonial, as in practice, women were subjected to violence and discrimination throughout the 22 years of dictatorship.

While women constitute more than half of the entire population of the country, the majority of them work in the informal sector. The formal sector, mainly the civil service, employs only 21% of women.<sup>9</sup> The low status of women is further manifested by the high level of FGM (76% of women and girls have undergone FGM) and the fact that 30% of women aged 20 to 24 years are estimated to marry before the age of 18 and that 18% of girls have children or become pregnant with their first child between the ages of 15 and 19.<sup>10</sup> The low status of women and girls results from the Gambia's profoundly patriarchal society, where men are the decision-makers both in public and private settings. Furthermore, Gambian communities are closely knitted, and women subjected to SGBV are often stigmatized and marginalized when they speak. In some cases, women are divorced, and the right to speak out is also subjected to the approval of male family members such as husbands, fathers, and uncles. Therefore, several layers of barriers needed to be surmounted before women could muster the courage to publicly testify and share their abuse experience.

Most factors contributing to the low status of women and girls are rooted in deep sociocultural norms. Therefore, the prevalence of SGBV and the tendency for these crimes to go unaddressed are rooted in long-standing social injustices and are about matters of women's rights and empowerment. While evidence from the TRRC witness testimonies indicates that SGBV crimes were committed at all levels, including the highest office (office of the president) and within state institutions during Jammeh's authoritarian rule, because of existing sociocultural factors, such as the fear of stigma and victim blaming. The culture of silence around women and their experiences, particularly those relating to sexual violence, resulted in many female victims not participating in the TRRC.

## TRANSITIONAL JUSTICE CONTEXT

President Yahya Jammeh's administration was accused of severe human rights abuses, such as the death, torture, rape, arrest, detention, and enforced disappearance of an unknown number of people, for more than two decades. In December 2016, Jammeh was defeated in the national election, and his departure from power in January 2017 resulted in the initiation of a transitional justice process in the country.<sup>11</sup> The Gambian transitional justice process includes the establishment of a TRRC, a mechanism launched to pursue truth, justice, and accountability during Jammeh's era. In addition to the TRRC, the Gambia also embarked on a security sector reform,<sup>12</sup> as well as a Constitutional Review Commission and a Janneh Commission, which was established to investigate allegations of state corruption.<sup>13</sup> The Gambia also established the National Human Rights Commission as a permanent, independent body to promote and protect human rights in the Gambia.<sup>14</sup>

Transitional justice looks to the future and the past to create a record of the wrongdoings that occurred in the past; its mechanisms recommend possible remedies, and they set the stage for a more peaceful society that respects human rights in the future.<sup>15</sup> However, from experience in other countries where truth commissions had been set up, transitional justice experts have long ago recognized that gender-related crimes are usually not adequately covered in truth commissions. A main reason is the context within which violations occur. Their gendered nature is often not recognized. As already discussed, there are existing sociocultural factors, such as the low status of women in society and harmful norms that violate women's rights. As the saying goes, violence does not occur in a vacuum, and these factors created a conducive environment for SGBV to occur both privately and publicly during Jammeh's era. These existing norms and cultures also hindered women's participation in the Gambia's TRRC process, particularly victims of SGBV.

## THE LISTENING CIRCLES METHOD, COMMUNITY DIALOGUE, AND THE KANELENGS

As a women-led organization with expertise in SGBV and experience working with female victims of SGBV, WILL recognized from the onset of the Gambia's TRRC that a gender-sensitive and victim-centered approach was needed to bring out the stories of women's rights and gender-based violations in the Gambia's transitional justice process. WILL therefore designed a program of innovative interventions in collaboration with victim-led organizations and other stakeholders and actors, including the TRRC secretariat, to break down the barriers that prevent female victims from coming forward to tell their whole story and embrace gender justice. One of the initiatives introduced by WILL is the

## women-only listening circles that provide women with a safe space to discuss issues that affect them.

WILL introduced the listening circles method in the Gambia's truth-telling process, which creates a space where women feel safe to share their stories without fear of stigma, shame, victim blaming, retaliation, and societal attitudes that privilege men over women. The listening circles were held within communities in a space that women identified as a safe meeting place to allow privacy. To maximize effectiveness and protect survivors from possible shame and stigma, the listening circles were often held on a small scale through local capacity and discretion. Each listening circle had a host selected by the community, responsible for chairing the circle. At the start of each listening circle, participants were made aware that participation was voluntary and that there would be no recordings of voices or picture taking. Before the discussions began, participants had the opportunity for introductions and information sharing on the transitional justice processes and procedures, with a particular focus on the TRRC. In most communities, the dialogues were often held in local languages. Each listening circle also had psychosocial support staff available who were responsible for providing immediate assistance but, crucially, ensured participants received follow-up care when needed. During each listening circle, two members of the WILL team were present and dedicated to taking notes with participants' consent. Participants were always aware that no names would be included in the notes.

In addition to the listening circles, WILL engaged communities in different dialogues, including community dialogue, to allow for wider participation of communities in the TRRC process. These dialogues also allowed communities to discuss the root causes and consequences of violence and inequalities, looking at the broader implications of the dictatorship within communities.

To popularize the process further within rural communities and among women who often did not have access to TV and radio (where the TRRC hearings and information were being broadcasted), WILL engaged the traditional communicators (the Kanelengs) to popularize the transitional justice process among women and rural communities.<sup>16</sup> Traditional communicators are very influential in Gambian communities. They have been known to use their voices to raise awareness on many taboo subjects, such as female genital mutilation, teenage pregnancy, contraception, sexually transmitted infections, and other issues affecting their communities. The Kanelengs have developed creative ways of bonding and messaging to overcome grief and misfortune through self-deprecation, drama, songs, and comedy. They can create songs based on a message or story within minutes. Their ability to intersperse songs with strong messages and juxtapose light humor with grief made them an ideal choice for communicating the messages of truth, healing, and reconciliation. WILL engaged Kaneleng women across the country and provided them with information and training around the Gambia's transitional justice, with a particular focus on the TRRC and raising awareness of the prevalence of the different forms of SGBV. Through their engagement with WILL, the Kaneleng women have become true ambassadors of the fight against SGBV and a strong pillar of support for victims. They have played a key role in encouraging women to share their experiences and participate. Their messages of reconciliation and rebuilding fragmented communities have been resounding and well received by victims and communities.

Through both the formal and informal transitional justice mechanisms in the Gambia, the culture of silence around SGBV has been broken. The transitional justice process allowed Gambians to look at SGBV more comprehensively, including existing harmful norms and the

need to implement legislation meant to protect the rights of women and girls from all forms of violence and discrimination. One of the significant impacts of the TRRC process was that it highlighted the need for mental health and psychosocial support and interventions, especially for victims of SGBV and other forms of human rights violations in the country.

Each of WILL's methods has its unique advantage and continues to play a vital role in the Gambian transitional justice process, focusing on amplifying the voices and experiences of women and girls and challenging existing sociocultural norms that disadvantage and discriminate against women and girls.

## THE POSITION OF VICTIMS TODAY

Because of the pervasive culture of silence toward SGBV and the stigma attached to victims of human rights violations, especially female victims, women have reported that they continue to be stigmatized, blamed, and ridiculed within their communities. This has been reported especially by victims affected by Jammeh's forced HIV treatment and those who were accused of and arrested for being involved in witchcraft. This continues to affect many victims' mental and emotional health. Furthermore, most victims within these groups are ostracized. Victims have also reported that these attitudes have been extended to their family members, particularly their children. One of the participants we interviewed shared:

*"...Continue being a victim, and my children too, both from Jammeh and my society. Shelter is my major concern right now. I still live in a family house with my children. We live in a house with very poor condition."<sup>17</sup>*

Additionally, because of victims and perpetrators living in close proximity, many communities are left divided with a lot of tension. This has affected the social cohesions of these communities. In WILL's effort to support these victims in rebuilding their communities, WILL has introduced a community-led approach to peacebuilding and social cohesion by empowering young people, women, and community leaders to act as community ambassadors and peacebuilders. WILL has also introduced community-led mental health and psychosocial support where community members are trained to provide psychosocial support to victims and survivors of SGBV.

The women interviewed also reported that the disappearances of male family members such as brothers and husbands (the breadwinners of their families) left multiple layers of effects on them. For example, one victim reported the following:



*"My brother got disappeared and did not return home since then. He was later confirmed dead from people that testified at the Truth Commission. He was the bread winner of our family, and his disappearance affected our education as his siblings. We dropped out of school due to a lack of financial support. It posed a lot of family support challenges, which also included feeding and other related issues."<sup>18</sup>*

## CONCLUSION

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

Because of these underlying factors, it has been difficult for women to take part in the formal TRRC process, which has affected the narration of the women's experiences during Jammeh's 22 years of dictatorship. The Gambian transitional justice process showed us that despite the assurance of witness protection, the fear of society's backlash is too intense and creates a barrier for women to speak out about their experiences.

Furthermore, to factor in the experiences of women and girls, it is vital to contextualize and look at the sociocultural norms and attitudes toward women and women's rights before the conflict begins that warrants the transitional justice process. As one female victim of Jammeh told us:

*"I am a direct victim of sexual violence by Jammeh, and yes, it is important that the truth is known about Jammeh's sexual abuse of women. But the TRRC will not do justice to Gambian women if incidents of sexual violence are associated with Jammeh's 22 years of dictatorship alone. Many women experienced SGBV before 1994, when Jammeh took over, and incidents of SGBV continue to affect Gambian women. We must acknowledge and address that."<sup>19</sup>*

## ENDNOTES

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