Freedom of Expression and Media Pluralism in The Gambia

Analysis in the Context of Democratisation and Transitional Justice

February 2018
Ian Noble

In cooperation with the European Delegation to the Republic of The Gambia

Table of Contents

List of Abbreviations

APRC	Alliance for Patriotic Reorientation and Construction
BAG	Broadcasters Association of The Gambia
CRS	Community Radio Station
GAMES	Gambia Media Support
GDC	Gambia Democratic Congress
GPU	Gambia Press Union
GRTS	Gambia Radio & Television Services
IMS	International Media Support
MFWA	Media Foundation for West Africa
MoICI	Ministry of Information and Communication Infrastructure
NAWEC	National Water and Electricity Company
NEPA	Newspaper Publishers Association of The Gambia
OSIWA	Open Society Initiative for West Africa
PDOIS	People's Democratic Organisation for Independence and Socialism
PURA	Public Utilities Regulatory Authority
TANGO	The Association of Non-Governmental Organizations
TRRC	Truth, Reconciliation and Reparations Commission
UDP	United Democratic Party
UTG	University of The Gambia

Executive Summary

This assessment carried out in The Gambia on behalf of the European Union Delegation is an analysis of the information ecosystem in the country and identifies context and priorities for support of freedom of expression and the development of independent media. Month-long field work in October to November 2017 gathered insights and information to support the momentous changes already underway.

The Government of The Gambia that took office in January 2017, ending 22 years of authoritarian rule and repressive legislation and practices, has pledged to defend and promote freedom of expression, access to information and media pluralism.

The Government has taken significant steps to implement these commitments. Consistent and lasting effects will involve consolidating its joint initiatives with civil society and media organisations to repeal or amend laws which can be used to intimidate the press or restrict its freedom to report, as well as reviewing the regulatory and financial framework which underpins the capacity of independent media for sustainable development.

The ecosystem approach aims to provide a holistic analysis of information vectors and the legislative, political, social and institutional frameworks in which they operate. An understanding of the interplay between these elements is intended as a contribution to strengthening actions underway and mitigating the risks to their successful implementation.

The analysis of print, broadcast and online media confirms that the sector has responded to the change of government with an unprecedented boom in independent content and the diversity of publicly expressed opinions. This analysis, however, notes the deficiencies in professional skills and technical and financial resources that limit the media's capacity to disseminate accurate information and fulfil their role as watchdogs of political and economic power. Expanded availability of mobile phone technologies, internet and social media has extended access to information for Gambians. Yet, it has equally increased the need for responsible professional media which their audiences can trust to sift out the real facts from the fake.

The report recommends continuing support for the legislative reforms which will decriminalize media infractions, guarantee freedom of expression and access to information

and transform the Gambia Radio & Television Services (GRTS) into a public service broadcaster rather than an organ of government.

Recommendations highlight the need for journalism training across the whole range of public and private media, with continuing support for training schools at the Gambia Press Union (GPU) and the University of The Gambia (UTG). Community radios need to be supported with comprehensive capacity building of skills and equipment if they are to fulfil their role as vital trusted sources of local and national information for populations in the Regions.

Support for the work of the Truth, Reconciliation and Reparations Commission (TRRC) is also recommended, both in the form of specialized training for media workers and in providing the TRRC with a press unit to produce factual summaries of hearings, standardized across all the main languages spoken in the country.

This report stresses the need for continuity and coordination of future media support by aligning it with the stakeholder roadmap in the *Strategic Framework for Media Reforms in The Gambia*[1] by building on prior and ongoing training and capacity building initiatives and by coordinating actions by different donors.

This work was led by Media4Democracy, a DEVCO Technical Assistance Facility supporting EU Delegations worldwide in strengthening freedom of expression and media pluralism.[2]

1. Introduction

1.1. Objectives and Methodology

The objective of this assessment is to provide governmental and non-governmental actors with an overview of the information ecosystem and an analysis of the priority needs for sector support. This work is in line with European Union support for freedom of expression as a fundamental right and for open expression and free media as vital drivers of democracy. This effort is also in line with the European Union Delegation's commitment to implement

---

[1] Produced by the Ministry of Information and Communication Infrastructure and the Gambia Press Union.
[2] www.media4democracy.eu

the *EU Human Rights Guidelines on Freedom of Expression Online and Offline*.[3] Fundamentally, this analysis strives to provide relevant and actionable information to support the development of independent media in the context of the country's democratic transition.

Freedom of expression covers a broad range of rights to access and impart information, to hold opinions and express them freely in all formats including media but also in assemblies, demonstrations and artistic activities. The primary focus of this assessment, however, is on freedom of expression as it relates to information and media, including in the expanding areas of online and social media.

The 360-degree ecosystem mapping methodology provides an overview of the multiple ways in which information flows and of the constraints and opportunities for freedom of expression inherent in the legislative, political, social and institutional framework. The tensions brought to light by such an analysis exist in any society. They are particularly acute in a country such as The Gambia, emerging from a long period of repression into a blossoming space for democratic media, where freedom of expression can be a contribution to peaceful and constructive dialogue or threaten to exacerbate political, social and ethnic divides.

The analysis of the information ecosystem is drawn from desk research and a field mission to The Gambia from 22 October to 16 November 2017. The field work was done in Banjul and the five other Regions of the country, with particular focus on the following towns and villages: Kerewan and Farafenni (North Bank); Bansang and Brikama Ba (Central River); Bassé (Upper River); Mansa Konko and Jarra Soma (Lower River); Bwiam, Brikama, Kuloro and Siffoe (West Coast)

Interviews with 68 key informants were based on a semi-structured questions template targeting a broad range of stakeholders from government, media, civil society and international organizations.

Focus groups totalling 140 participants consisted of journalism students and media workers and other Gambians, notably in rural areas outside of Banjul, whose voices may not be adequately represented by key informants.

---

[3] https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

1.2. Context

The new democratic government that came into office in January 2017 in The Gambia after 22 years of authoritarian and dictatorial rule heralded a new era for freedom of expression in the country.

Under the previous regime, journalists, civil society activists and ordinary citizens whose actions or words ran counter to the official line of the Jammeh government exposed themselves to risks of arbitrary arrest, imprisonment, mistreatment, torture, disappearance or in some cases death.

The new government has pledged to reform repressive laws and introduce new ones guaranteeing freedom of expression and access to information, as well as to revise the Constitution in line with strengthening freedom of expression. This will involve reviewing statutes and guidelines to guarantee the independence of private media, their regulatory bodies and the Gambia Radio & Television Services (GRTS). Gambian media and civil society organisations are striving to ensure that their newfound freedoms will be guaranteed in the long term, including under scenarios in which the current opening of the political and media spaces might be reversed.

It is in this context that a broad consultation of stakeholders initiated by the Ministry of Information and Communication Infrastructure (MoICI) and the Gambia Press Union (GPU) produced the *Strategic Framework for Media Reform in The Gambia* (hereafter referred to as the *Strategic Framework*) with support from the Media Foundation for West Africa (MFWA), International Media Support (IMS) and Gambia Media Support (GAMES). The document provides a comprehensive roadmap for actions in legal and policy reforms, capacity development and institutional strengthening of national media development actors.

The *Strategic Framework* has been a vital guide for the focus of this assessment and the areas of support that it recommends.

2. Information Ecosystem

An information ecosystem refers to the institutional framework and the channels and connections through which information in a society is distributed, accessed and shared.

A description of the ecosystem will here review: the legislative and regulatory framework, the reforms under way or planned and the actors engaged in the changes. It will also describe the principle information channels: radio, TV, print, online & social media, mobile platforms and other vectors of communication, including traditional methods. An analysis of this ecosystem and its interconnected parts makes it possible to identify the opportunities, threats, challenges and needs for the expansion of freedom of expression and the development of independent pluralistic media.

2.1. Existing Laws, Planned Reforms

The *Strategic Framework* identifies the areas in which changes are needed in the legislative environment for freedom of expression and the media. It highlights the following priorities:

- *Support to the Constitutional Review process to ensure that the principles of media freedom and access to information are adequately guaranteed in the new Constitution.*

- *Supporting processes for the repeal or reform of laws that contain provisions that criminalize media offences, such as the Criminal Code; the Information and Communications Act; and the Official Secrets Act.*

- *Support to the development and passage of a Right to Information Law to enhance citizens' access to public information.*

- *Support for the development and passage of a Broadcasting Act as a means to effectively regulate and strengthen the broadcasting sector, including the transformation of the state broadcaster into a public service broadcaster.*

- *Support for the development of a national media policy which would guide major priorities such as digital migration, improving media economy.*

The Gambian Ministry of Justice and Article 19 have signed an MOU to work together on the legislative reform programme. The Ministry insists that the Constitutional Review process and the setting up of the Truth Reconciliation and Reparations Commission (TRRC) are the

top priorities for implementation in early 2018, with specific media law reforms to come after that. Meanwhile, the government has given verbal assurances that it will not implement repressive legislation still on the books to curtail the freedoms of expression and of the press. Civil society and media organizations, however, voice concerns that if the current window of opportunity is not rapidly seized, this government or a future one might back track on commitments made since the end of the Jammeh regime.

For example, as the <u>European Union Election Observer Mission to The Gambia 2017</u> noted:

> *As designed by the previous regime, the existing legal framework for offline and online media induces an environment of self-censorship and equips state actors, most notably the president, with a range of tools to hold a tight grip on traditional and online media outlets as well as netizens. The Criminal Code equates criticism with defamation, libel and sedition, punishable with two-year imprisonment. The 2013 amendments to the Information and Communication Act introduced 15-year prison term for spreading false news online.*[4]

The Program Manager of the Association of Non-Governmental Organizations (TANGO), which has over 70 Gambian member organizations, has for example denounced the use of the Public Order Act to justify a police ban on a protest by the #OccupyWestfield group planning a peaceful demonstration against the supply failures of the National Water and Electricity Company (NAWEC).

2.2 Information Channels: Media Regulation and Advocacy

2.2.1. Media Regulation

The Gambian government controls telecommunications and broadcasting frequencies for which licenses are granted through the Public Utilities Regulatory Authority (PURA). The state-run Gamtel has a monopoly on fixed line telephony. Its mobile unit, Gamcel, is the smallest of four mobile phone operators, the other three being Africell (the biggest), Comium and QCell. The government has promised to fully liberalize the international telecoms

---

[4] European Election Observer Mission to The Gambia 2017, p.22

gateway when Gamtel's monopoly on the voice gateway expires in January 2018. Private operators already have the right to their own international data links.

The liberalisation of the telecommunications and broadcast sector is underway with the granting of new private radio and TV licences. Digital migration is almost complete, opening up new spaces on the frequency spectrum for better broadband services and scope for increasing the number of TV channels available. But state controls still have the potential to limit media diversity and access to information.

As the European Union Observer Election Mission reported:

> *The Newspaper Act 2004 contains costly and cumbersome registration procedures for print media, while public Internet access places, such as Internet cafes, are required to renew a special registration with a Public Utilities Regulatory Authority (PURA) on a yearly basis. In addition, the legal framework poorly defines registration denial criteria, thus leaving space for an arbitrary application of the law.*

> *In the absence of an independent regulatory body, key executive and regulatory powers are vested in the president and in the minister of information. The board of the PURA [...] is directly appointed by the president. Its independence is, thus, questionable.*[5]

The absence of a comprehensive broadcasting law to regulate the industry and the lack of regulatory bodies for the media have been highlighted for rectification in the *Strategic Framework*. In this context, media stakeholders, including some government officials, argue that a statutory regulator dedicated to all media would make for a coherent approach to the sector. But World Bank recommendations when PURA was established in 2001 favoured the economies of scale for a single entity in such a small country, a consideration still valid today. Media organisations are lobbying also for a self-regulatory body whose main virtue would be peer-to-exert peer pressure, calling out bad practices and enforcing a commonly agreed code of ethics: 'name and shame' rather than legal coercion.

---

[5] European Election Observer Mission to The Gambia 2017, p 23

The *Strategic Framework* also calls for a reduction of licence fees, the removal of VAT on newspaper sales and import taxes for printing materials, amongst other financial constraints to the development of media pluralism and the dissemination of information.

2.2.2. Advocacy

The expansion of opportunities for freedom of expression and media independence has brought a new vitality to the watchdog and advocacy roles of organizations in the sector. Alongside the leading and longstanding associations like GPU in the media sector and TANGO for civil society, new groupings have been formed in recent months.

The Broadcasters Association of The Gambia (BAG) was constituted in August 2017 as an advocacy and technical support organization dedicated to developing the independent broadcast sector and upholding professional and ethical standards. Since both commercial and community radios are eligible to join, it could prove to be a forum for them to work out their differences (notably over licence fees and advertising revenues) and lobby the government for effective solutions.

The Newspaper Publishers Association of The Gambia (NEPA) has been established by newspaper owners, despite their political difference and competition for readers and advertising revenue, have also recognized their shared interests by setting up. The organisation is committed to promoting access to information though a 'free, independent and pluralistic press', to maintain and enhance professional skills and ethics, to monitor and redress violations of freedom of speech and to advocate for the creation and enforcement of a freedom of information law. Newspaper owners will also be lobbying for a lowering of the financial burdens imposed by the State (which include the deposit of a bond worth 500,000 dalasi, approximately €9,000) and assistance in building adequate business models to optimise and diversify revenues to ensure their economic and editorial independence.

2.3. Media

2.3.1. Gambia Radio & Television Services

GRTS & MoICI, Kombo Saint Mary

The national broadcaster, Gambia Radio & Television Services (GRTS) provides, in principle, nationwide TV coverage via terrestrial and satellite transmission and radio via MW and FM transmitters. PURA officials estimate terrestrial TV coverage at 80 per cent of the country. Viewers' access is also limited depending on their power supplies, with frequent outages of the national power grid.

Content is a mix of news and current affairs, and programmes focusing on such issues as development, health, education and agriculture. GRTS has historically been the voice of whichever government was in power with no space for alternative political facts or views during the Jammeh regime. The new government and senior management of GRTS have expressed strong commitment to transforming it into a nonpartisan public service broadcaster. This will require institutional changes, as noted by the European Union Election Observer Mission:

> *The legal framework governing the state-run broadcaster does not provide for adequate and sustainable editorial and financial independence. The president appoints the GRTS director general. The broadcaster's annual budget depends on political decisions and the GRTS's employees are public servants. Furthermore, there are broad and vaguely defined, yet legally binding, content obligations that hinder the GRTS ability to offer independent programming.*[6]

Informants and focus group participants for this survey generally recognized improvements in the quality and independence of GRTS content since the change of government. They see

---

[6] European Union Election Observation Mission EOM The Gambia 2017, p.23

and hear a broader range of subjects and views than those of the government, as reporting on political events and interviews with critical personalities expand. But they note that much still needs to be done: news coverage is still very institutional with official events and speeches, workshops and commemorations dominating over efforts to give voice to ordinary citizens and their views on matters of public interest.

The transformation will involve an internal overhaul of staffing, administrative and management structures to streamline productivity.

Changing GRTS will also need a long haul of training and in-house mentoring to counter long-ingrained habits of self-censorship and timidity in covering topics other than official events, workshops and declarations by government or international officials. Clear editorial policies need to be defined and enforced.

GRTS endeavours to reflect the ethnic diversity of the country by broadcasting news in all the major languages. However, press reviews are live improvised translations from English which are widely criticized for inaccurate distortions of what the papers actually wrote.

Radio Gambia in Bassé is the only local production station of the national GRTS radio network. Other 'stations' are simply repeater FMs relaying national programming. Radio Bassé, in addition to the centralised FM feed, has breakouts from the national signal for local

programmes featuring experts on topics which include health, education and agriculture, with listener call-ins. Its local 'news' consists of a compilation of announcements of events, workshops, deaths, byelaws and regulations. Training, mentoring and an editorial overhaul will be required to professionalise reporting on issues of public interest.

2.3.2. Community Radio Stations

Apart from Radio Gambia in Bassé, community radio stations (CRS) are the only local media outside of the metropolitan Banjul area. Their importance – and the importance of radio in general – cannot be underestimated in a country with literacy rates variously estimated at between 50% and 60% and where the majority of the population rely for information on languages other than English. Community radios have a unique role and potential for providing and exchanging trusted local information in local languages. They were set up under the impetus and funding of international or local non-profit organisations. There are eight currently functioning in the country:

> North Bank Region: Kerewan and Farafenni;
>
> Central River Region: Bansang and Brikama Ba;
>
> Lower River Region: Soma;
>
> West Coast Region: Bwiam, Brikama and Kuloro (Kaira FM).

The radios are under community ownership, with governing boards consisting of local dignitaries, traditional and religious leaders, representatives of local government departments and civil society organisations. Their mission is to "inform, educate and entertain" with a central focus of programming in a mix of appropriate local languages on development topics such as health, education, agriculture, environment and gender issues. They generally steer away from party political news, although they played an important role in providing local coverage around the National Assembly elections in April 2017.

With a captive audience in their broadcast footprint, CRS also have a major role as an interface between other channels of communication. They relay national news in English and

local languages from GRTS, NGO information and sensitisation campaigns, social media, traditional and official local opinion–leaders, traditional communicators and so on. Such a role brings responsibility for filtering and controlling inaccurate, biased or inflammatory content from other sources. Key informants and focus group participants repeatedly emphasized their greater trust for radio staff they know locally than for remote news sources – including across ethnic divides. They also noted that proximity enables local listeners to correct directly any inaccuracies, either by calling the radio or telling the manager or reporter when they see him or her in town.

Many of the content producers started as radio presenters, often young and straight from school, and have received little professional training. Recent efforts from international donors (including the EU-funded UNESCO media support programme) have provided short courses on basic journalism, ethics, governance and thematic training on such issues as election reporting, the environment, harmful traditional practices or agriculture. Further training and mentoring is required to foster a higher level of professional skills than are currently prevalent.

Broadcast studio, Brikama CRS

Technical, administrative and management skills are unevenly distributed across the network, limiting the stations' capacities to keep their equipment in a good state of repair, maintain professional standards of accounting and procurement or adequately manage human resources and sustainability planning.

The technical infrastructure is minimal, usually consisting of one live broadcast studio with just enough equipment for a presenter to play recorded music, interview a couple of studio guests with expertise on

Transmitter room, Brikama Ba CRS

the topic of the programme and take phone calls from listeners. Typically, there are one or two other rooms for administration and program preparation with a computer and a printer/photocopier. These radios generally have few or no professional recording devices or dedicated transport vehicles, limiting the scope for outside reporting. Their potential captive audiences are large, but in practice limited by transmitters working at half power, shut-downs due to power outages, and often non-functional back-up generators and solar energy systems in the rare cases where these exist.

Financially, all community radio stations are struggling to survive with varying levels of success. Their limited income comes from advertising, local announcements and the purchase of air time by international or national NGOs for sensitisation campaigns on health, agriculture, harmful traditional practices and so on.

Advertising revenues for CRS from major sources like mobile phone companies are declining since these clients now either have their own radios or arrangements with commercial stations covering much of the population of the country.

There is a lack of clarity concerning advertising revenue for community radios. PURA regulations officially forbid it, but unofficially tolerate it up to a limit of 50 per cent of income. What is clear is that without more substantial and regular sources of income, CRS will not be able to provide services to the journalistic and technical quality levels needed to adequately fulfil their role.

Viable sustainability plans will require agreement between the government, and private and community radio stations on the financing of CRS. Since the private sector is taking the lion's share of the commercial advertising market – not, as mentioned, a legal or prescribed CRS source of income -- initial substantial investment from donors, and/or some form of perennial state subsidy may be necessary.

The main expenditures of CRS are for power supplies, repairs and maintenance, and staff salaries. The latter are kept low by having few paid staff and more volunteers. Paid staff earn very little and have little incentive to remain after receiving some basic professional training, which can help them obtain more lucrative jobs as communications officers with international agencies or NGOs. Hence the frequent turnover of young staff and an unending cycle of training needs.

Community radios are living from hand to mouth in an extremely fragile economic environment which limits the potential their symbiotic relationship with their listeners gives them as drivers of democracy. Without improved resources for these radios, large sections of the Gambian population will be unable to participate meaningfully in the newly opened spaces for governance and development.

CRS resources would be much improved if they could be co-located with Rural Community Information Centres, a pilot project set up by UNDP and MoICI. One of these is in Mansa Konko, not far from the Soma CRS in Lower River Region. It has solar power back-up ensuring a 24/7 power supply, two dozen public access desktop computers, a photocopier and colour printer, an excellent internet connection and five qualified permanent staff. These facilities enable local villagers, officials, students and school children to use internet and other services at modest rates or benefit from ICT training.

The replication of such centres across the country would make a valuable contribution to increasing computer literacy and access to information in rural areas. If such Centres were
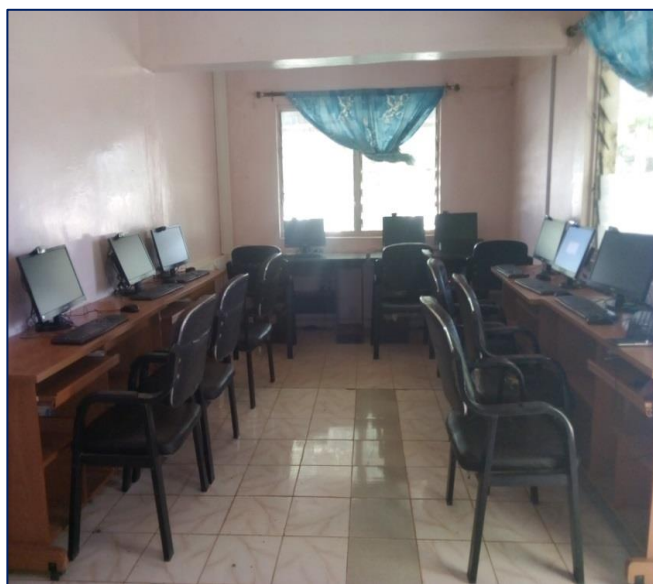

Computer Lab, Community Information Centre, Mansa Konko

housed with CRS in the same building, they would benefit jointly from high-quality energy and internet supplies, pooled offices and ICT equipment. In addition, such multi-purpose centres would be a community hub for access to and exchange of information as well as training in media, computer and internet literacy. They could prove to be a magnet for sponsorship and advertising for CRS from governmental, non-governmental and commercial organizations.

2.3.3. Commercial Broadcasting Stations

PURA had in November 2017 registered 21 Gambian private FM stations. The majority of these are in the Greater Banjul area and only two of them have additional frequencies enabling them to also reach other regions of the country. Programming is dominated by

music and chat shows, but a handful claim a significant focus on providing news and current affairs which the long years of authoritarian rule had made them shy away from. The managers of these stations declare a strong commitment to public service and expanding freedom of expression. They point out the major role they played in providing information and rallying opposition during the 'impasse'
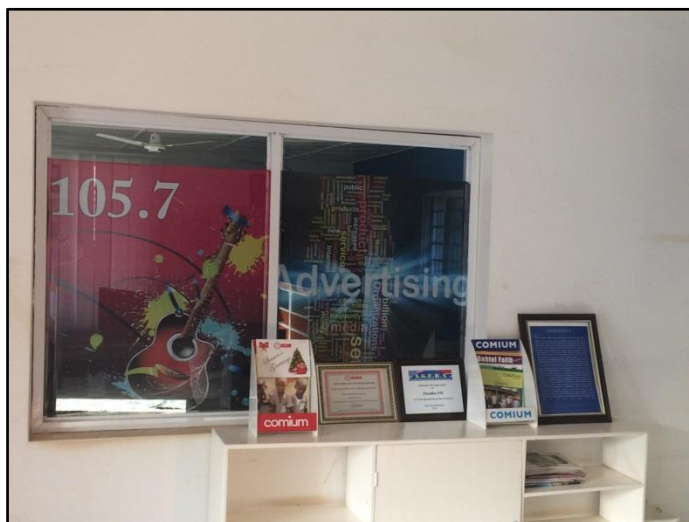
Paradise FM office, Kombo Saint Mary

following Jammeh's refusal to accept the election result at the end of 2016. This experience inspired, for example, Paradise FM, one of the leading radios, to expand its programming on political affairs, civic education and debates on national issues, as well as press reviews in English and local languages. It partnered with Deutsche Welle to air a live two-and-a-half-hour debate on migration issues in September 2017.

Talk show, West Coast Radio, Kotu

Technical and human capacity are generally much superior to those of community radio stations, though the professional standards of equipment and staff vary considerably from radio to radio. Some journalists working at the leading private radios have benefitted from international organizations capacity building, short trainings at the GPU School of Journalism or the private Insight Training Centre. Yet training needs remain huge. In particular, talk show hosts with little or no training in basic journalism or ethics are in many cases the most influential interface with listeners, amongst whom illiteracy rates are high in a country where oral communications still dominate.

Gambia's first private terrestrial television station, Q-TV, was granted a licence at the end of November 2017, when two other applications were pending. The station is owned by Q Group, which also operates Q-Cell, one of the four mobile network operators in the country.

Two other TV stations expected to start broadcasting soon are Paradise TV and Star TV, owned by the companies with the radio stations of the same name. There will be stiff competition for audiences and the advertising revenue to sustain these new outlets. With digital migration opening up space for even more TV channels, it remains an open question as to whether this expansion will favour better quality content or not.

TV stations from Senegal – notably the national broadcaster RTS and the private TFM – are accessible to Gambians with satellite dishes or in border areas. These stations – and Senegalese radios broadcasting in Wolof and other shared local languages – were a valued source of information about The Gambia and the region during the restrictive Jammeh years. Their appeal as a source of information has now declined although they continue to have a strong following from Gambian fans of Senegalese music.

2.3.4. Print Press

Despite small print runs and limited distribution countrywide, newspapers are important opinion leaders and constitute a major primary news source for other media.

There are six papers which appear regularly: *The Point, The Standard, Forayaa, The Voice, The Daily News* and *Gambia Daily* – this last in fact published twice a week, while the others are all daily. The *Daily Observer*, formerly the voice piece of the ruling Alliance for Patriotic Reorientation and Construction (APRC) under the Jammeh regime, was closed down in August 2017 under a court order requested by the Gambia Revenue Authority for non-payment of back taxes. Voices have been raised across the press and the political spectrum (including by fierce opponents of the APRC and the previous government) in favour of the party having a voice and equitable coverage across the media as a necessary requirement for freedom of expression and democratic stability.

Newspapers have small print runs of usually 1,500 – 2,000 copies and have limited distribution outside the greater Banjul area. They are in English although *The Point* has a few pages daily in French and *Forayaa* has a weekly summary of the main news items in Arabic. In a country where the majority of the population prefer to communicate in local languages and where at least half of them are illiterate, newspapers are nevertheless hugely influential, and not only amongst educated, urban English-reading Gambians. Their contents are a major source of information relayed in local languages by radio stations in news bulletins and press reviews as well as circulating widely across the country and amongst the diaspora on websites, in telephone conversations, SMS and social media postings.

Overall, locally-produced news content is meagre, with coverage of press conferences, official statements and workshops overshadowing original reports. Features and international news cut and paste from other publications abound, along with long opinion pieces and many pages of advertisements. Original, in-depth investigative reporting is rare, despite the appetite newspapers, like the broadcast and online media, show for relaying revelations of financial abuse emerging from the hearings of the Janneh Commission.

Some journalists have benefitted from training opportunities, both in-house and through the EU-funded UNESCO programme and other donor initiatives. They receive, what by Gambian standards passes for decent press salaries, still less than the equivalent of €100 a month for the best paid and a third of what they could earn in some communications and public relations positions. Nevertheless, skills, financial and technical resources are insufficient to reach the higher standards to which newspapers aspire. There is a big demand within the sector for basic journalism training or retraining as well as upgraded skills in investigative reporting to strengthen the role of the press as a watchdog for governance, transparency and accountability.

Apart from training, other recurrent demands from media owners are for a national newspaper distribution service and a centralized, shared printing facility. However, newspaper owners were unable to reach agreement on how to manage a print press donated as a joint resource by the US Embassy. It now stands idle and in need of repair at the premises of *The Standard*.

As regards political affiliations, two of the currently available newspapers clearly signal their allegiances. *Gambia Daily* is 'The Official Paper of the Government of The Gambia'.

Forayaa, although no longer officially the mouthpiece of the People's Democratic Organisation for Independence and Socialism (PDOIS) clearly promotes the party's leader and views. *The Daily News* is owned by supporters of the main ruling coalition party UDP (United Democratic Party).

However, newspaper owners and managing editors generally profess their commitment to editorial independence from political and economic lobbies. In the new context of freedom of expression and free competition for readers of all political persuasions, the news columns of the print press do not exhibit strong bias in the choice of stories. In fact, on a day-to-day basis their factual reporting is mostly about the same events in a similar way, indicative of limited capacity for original investigation rather than political bias.

Gambian journalists themselves, whilst being critical of poor professional, technical and especially investigative standards, consider that more time is needed to judge whether newspapers will live up to the expectations and promises of the new environment for editorial independence.

2.3.5 Online Media

The restrictions on reporting and on expressing opinions during the Jammeh years saw a growth of online news websites run from abroad. These sites shared in the worldwide boom of news sites, developing audio and/or video feeds, comment forums, and links to Facebook, Twitter or other social media.
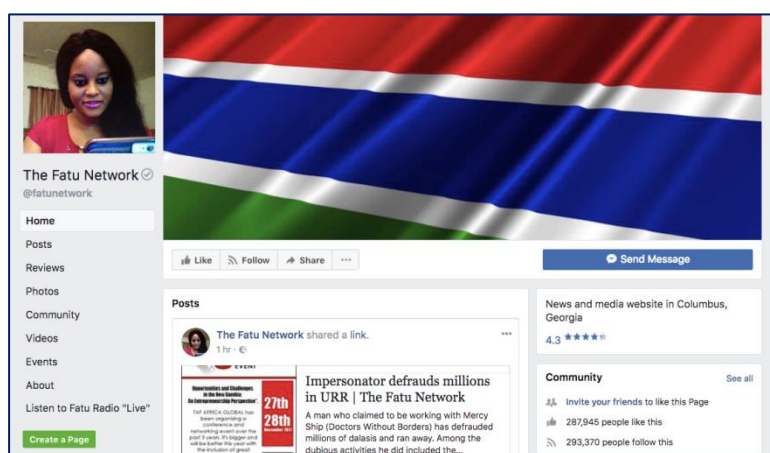
The leading newspapers in country also have news websites. Some stories from these sites are either simply copied or further developed by the purely online media, which are largely produced by members of the Gambian diaspora in the USA and UK.

Fatu Network, formerly based in the USA, is an exception since its founder-director Fatu Camara returned to Banjul, where she works with a small team producing written, video and

radio content for a website and a Facebook page claiming 293,370 followers in December 2017. The number of followers reflects its high profile during the lead up and aftermath to the presidential elections in December 2016.

The other main online news media with the Facebook followers they claim are:

- Freedom Newspaper, North Carolina, USA: 1,900 followers

- JollofNews, Birmingham, UK: 4,259 followers

- Kaironews, Grand Rapids, Michigan, USA: 1,815 followers

- Gainako, Seattle, USA: 21,114 members

The offshore online media are regularly criticized by traditional media, international observers and government officials for unreliable or sensationalist reporting, biased coverage and their polemical tone. Their reputation has also suffered from the fact that critics often lump together online news media, bloggers and social media at large. The editor of one of the sites noted:

> *…the proliferation of many online newspapers and blogs due to the erosion of the freedom of expression of the traditional print media…during the former regime of Yahya Jammeh. While this new platform gave a voice to Gambians… the industry has also been infiltrated by people who hardly know anything about the ethics of journalism. Some of these people have personal axes to grind and they use their online medium to publish/air stories that are hardly dissected, probed or based on facts.*

Whilst these strictures are sometimes justified, the main deficiency detected during this assessment was a lack of professionalism: poor writing, indiscriminate mixing of factual reporting and editorializing, irregular updating, poor front page prioritisation of recent and old news, and insufficient credit for the sources of stories copied from elsewhere.

Similar traits can be found in many such websites worldwide. Like their international cousins, Gambian news sites fulfil an important function in providing a forum for exchanging opinions and engaging in lively, if sometimes virulent, debate.

As traditional media, including those with an online presence, continue to professionalise their content, style and presentation, exclusively online media will either follow the same

trend and compete by adopting more professional standards or be increasingly confined to their role as forums for opinion and debate.

2.3.6. Mobile Phone Platforms

News websites and Facebook pages are however only the tip of the iceberg as far as online and mobile information platforms for Gambians are concerned. The most widely used vehicle for exchanging information today is surely the mobile phone, with face-to-face conversation its only possible rival. Budde.com, a respected database for telecommunications research, puts the number of SIM cards in The Gambia at 154% of the population. From educated urban professionals to traditional communicators and market vendors in rural areas, everybody has at least one mobile phone. At the very lower end of the socio-economic and literacy spectrum, this is not necessarily an internet-enabled phone, but even a simple feature phone is enough to receive SMS from NGOs conducting awareness campaigns, or from local sources providing practical information, weather forecasts, civic education and so on. And if you can't read, there is always somebody around who can. For those who do have access to the 3G or 4G networks which are accessible almost everywhere, internet browsing, social media, WhatsApp groups and so on are an abundant source of information of all kinds, good or bad, true or false.

The most recent figures available for internet users in The Gambia are around 17 per cent of the population in 2015, but this is certainly an underestimate today, given the sharp increase in smartphone usage, 3G/4G access and the decline in costs. Although a promotional offer from one mobile phone operator promised access to social media for 1 Dalasi (€0.0177) a day, the cost of extensive access to data on a regular basis may be prohibitive for poorer

Gambians. Field observations confirmed however that social categories such as students, market vendors, taxi drivers, shopkeepers and farmers made at least minimal use of social media for regular communications with friends, family and colleagues.

2.3.7. Other Information Channels

The importance and impact of many other information channels should not be underestimated. They include commercial advertising and awareness campaigns in print, broadcast, online and mobile media as well as on billboards. A host of Gambian and international organisations are conducting workshops, grass-roots outreach, trainings and training of trainers across the country.

On a typical day (8/11/2017), *The Standard* reported:

- *The National Youth Council in partnership with UNICEF is embarking on a nationwide awareness tour to sensitise children and youth on their fundamental rights and the importance of their participative role in the transitional justice process.*
- *Kudang Development Association (KYDA) recently sensitized community-based organisations on female genital mutilation and its health implications and the 2015 FGM enacted law.*
- *The Gambia committee on Harmful Traditional Practices affecting the health of women and children (GAMCOTRAP) recently sensitised 50 students on promoting political knowledge and participation.*
- *The National Youth Council in collaboration with the Directorate of Health Promotion and Education unit has embarked on sensitisation programme on Open Defecation Free (ODF) in the Central River Region … [supported by] UNICEF.*

The impact of such outreach at the grass roots can be amplified by local radio in local languages. Community radios promote attendance by announcing such events in advance and by accompanying them with studio guests and call-in programmes on the same topic.

Traditional communicators, Bansang

A remarkable example of an integrated outreach methodology has been developed by the international NGO Tostan ('breakthrough' in Wollof), headquartered in Dakar and working in The Gambia in the Upper River Region. Its Community Empowerment Programme, in partnership with UNICEF and the Government of The Gambia, holds workshop trainings in local languages with a ripple effect as participants disseminate and train back in their village communities, which in turn adopt other villages to prolong the campaign. Youth caravans, traditional communicators and community events reinforce the sharing of knowledge on governance, health, environment, education, economic development, gender issues and harmful traditional practices. The holistic package is promoted and accompanied by talk shows on local radio, in this region, Radio Gambia in Bassé.

Such initiatives and methods need to be encouraged, in conjunction with support for the capacities of trusted local and community radio stations broadcasting in local languages to accompany and reinforce grass-roots information sharing processes.

3. Transitional Justice

3.1. Overriding Principles and EU Guidelines

The EU's *Policy Framework on Support to Transitional Justice* highlights the four essential elements enshrined in international instruments: criminal justice, truth, reparations and guarantees of non-recurrence/institutional reform. Recommended actions run across a range of sectors for support. The policy stresses that the transitional justice process must be:

> *...nationally and locally owned and inclusive, whilst respecting international norms and standards. It is essential that the process is initiated and driven by government authorities and local civil society...Outreach activities, including public consultation, media engagement and the dissemination of information should thus inform the public about the purpose and design of transitional justice mechanisms, be geared towards understanding the views and expectations of the community, and be tailored to avoid or correct misinterpretations and manage expectations. Such outreach activities should not be limited to major cities but include all affected communities.*[7]

The need for the most inclusive outreach possible highlights the importance in The Gambia of using local languages, community radio stations, civil society organizations and traditional communicators.

3.2   Transitional Justice in The Gambia

There are four main strands to the process of Transitional Justice in The Gambia: The Truth, Reconciliation and Reparations Commission (TRRC); Security Sector Reform; constitutional, legal and institutional reform; the commission of inquiry (known after the name of its chairman as the Janneh Commission) probing into the financial activities of former President Jammeh and his associates.

There have been criticisms and disagreements over the lack of coordination between these different strands of what should be a holistic process, over inadequate public consultations prior to drafting the TRRC bill and the limiting of its time frame to abuses carried out under the Jammeh government. But the stage is now set and the immediate need is for clarity over TRRC objectives and proceedings and the provision of high quality communications to ensure citizens are accurately informed and meaningfully engaged in the transitional justice process.

 The Act setting up the TRRC with a two-year mandate was approved by the National Assembly in December 2017.   The Act specifies that the Commission shall:

---

[7] The EU's Policy Framework on Support to Transitional Justice, p. 8

(a) create an impartial historical record of violations and abuses of human rights from July 1994 to January 2017, in order to-

(i) promote healing and reconciliation;

(ii) respond to the needs of the victims;

(iii) address impunity; and

(iv) prevent a repetition of the violations and abuses suffered by making recommendations for the establishment of appropriate preventive mechanisms including institutional and legal reforms.

(b) establish and make known the fate or whereabouts of disappeared victims;

(c) provide victims an opportunity to relate their own accounts of the violations and abuses suffered; and

(d) grant reparations to victims in appropriate cases.

In order to preserve the independence of the TRRC, the Act leaves it up to the Commission itself to define its mode of operations. The TRRC will also have to clarify issues that the Act does not resolve and carefully manage the expectations surrounding a process which is not well understood by the public. Its credibility may also depend on the regional and ethnic representation among its members.

There is concern about many grey areas in the functioning of the Commission being voiced by legal specialists and human rights defenders which journalists will need to understand and explain to the general public if the process is to command a broad consensus.

For example, the Commission will have to determine the conditions for amnesty, for defining which cases justify reparations and what form theses should take. Further, will the Commission have adequate staff and resources to carry out timely investigations of abuses and sift out fraudulent claims? Will it be able to ensure protection of witnesses and even perpetrators who confess the truth? Will it have the authority and the will to decide on some open and some closed-door sessions?

Once the TRRC has established its operational principles, implementation can be more or less strict. The government itself is known to have been divided between, on the one hand, proponents of a 'soft' approach to the misdeeds of the past in the name of reconciliation and

'turning the page' and; on the other, those who want a hard line on criminal prosecutions for perpetrators. Their divisions reflect those of the broader society.

3.3. Key Role of Information in Transitional Justice

The complex and highly sensitive issues involved in transitional justice processes can tip either way towards reconciliation or conflict depending on how they are handled, notably by those who process and disseminate information about them.

While the media have a key role in publicising and explaining the work of the TRRC, journalists in The Gambia generally have an inadequate understanding of its workings. Staff from across the spectrum of media production will need training and competent editorial oversight. Civil society organizations, traditional communicators and local leaders will also have an important role in sensitizing local communities to the upcoming process and in relaying in local languages an accurate narrative of TRRC proceedings. A follow up to the training of trainers for Alkalolou (community leaders) under the EU Access to Justice programme would be useful here.

Across the board training for public, private and community media will partly safeguard against unbalanced, inaccurate, sensationalist or inflammatory reporting. A specific code of conduct and a glossary of terminology in English and local languages would also mitigate the risks of divisive or misunderstood narratives. Whilst some print, online and broadcast media will have the motivation and resources to provide their own coverage and commentary, all would benefit from a centralized TRRC press office providing accurate and standardized factual summaries of proceedings in English and local languages. The examples of multi-lingual news agencies attached to the International Criminal Tribunals for Rwanda or the Former Yugoslavia can provide models for this.

4. External Support for Media Development

International support for capacity building to develop freedom of expression and independent media was limited during the Jammeh regime, especially as it became increasingly repressive over the years. Nevertheless, United Nations agencies, international and national NGOs have long been instrumental in setting up community radio stations and providing them with equipment and training. Whilst providing resources for general outputs, such support has

often been designed to promote or prioritise specific contents such as agricultural information, weather forecasting and climate change, advocacy against harmful traditional practices, or women's empowerment.

Training of journalists in basic skills or on specific thematic content has been carried out sporadically, mostly however in very short one-off training expeditions by international consultants which most media experts and practitioners consider to have little impact in the long term. One exception has been the continuous support from the Danish volunteer organization Gambia Media Support (GAMES), which was established in 2006, and has since been working closely with the GPU to provide training, capacity building and equipment.

More recently, the opening up of the media environment has brought new opportunities for international support. The EU-funded programme implemented by UNESCO since October 2016 has provided training and equipment for media houses, the GPU School of Journalism and the University of The Gambia School of Journalism and Digital Media. Work on the *Strategic Framework* was funded through the Media Foundation for West Africa (MFWA) by the Danish NGO International Media Support (IMS).

Diplomatic missions in the country have also provided ad hoc support. The United States Embassy has provided short training courses, contributed to a building and solar power for a community radio, donated a printing press for newspaper production and is funding a three-month training programme for journalists who have no higher education at a private training institute. The Turkish Embassy recently donated computers to the national broadcaster GRTS, which has also benefited from technical courses on TV production provided by Turkey and China.

Although foreign missions have their priority agendas, there is no evidence that media support comes with a hidden agenda for content. Their media support actions are designed rather to bring goodwill and visibility.

Overall, while this support has had an impact on training and technical resources, there is a need for a more comprehensive approach to meeting the priority needs of the sector, or at least to coordinate future initiatives. It is to be hoped that this report and the *Strategic Framework* can now provide the basis for a more holistic donor effort.

5. Recommendations

The analysis for this report has highlighted the following key areas, not necessarily by order of priority:

- Technical assistance for legislative reform

  The road map for constitutional reform and the repeal, amendment or creation of media laws has been established in the *Strategic Framework* and in going work between the Justice Ministry and stakeholder organizations, in particular Article 19 and GPU. This process needs continuing support.

- Training across the media sector

  The need for a substantial upgrading of journalistic skills across all Gambian media is recognized by all stakeholders. Short-term trainings devoted to basic skills and ethics, or focused on specific thematic contents, have their uses, but broader and longer-term efforts are required to meet both immediate needs and to prepare the next generation of Gambian media workers. These should prioritize continuing support for the GPU School of Journalism and the University of The Gambia's School of Journalism and Digital Media.

- Community radios capacity building for sustainability

  Community radio stations have a unique role to play in informing and engaging Gambian citizens outside the Banjul area in governance and development. To fully realize that potential, they urgently need to be upgraded for journalistic, technical, administrative and managerial capacity, including for long-term economic sustainability.

- Training and communications support for the TRRC process

  Sound management of information and accurate, sensitive coverage of TRRC hearings will be key to consolidating the democratic transition process. This will require specialized training on transitional justice issues for journalists from all media and support for a TRRC press unit providing standardized press summaries in English and local languages.