



# WFD

**Thematic Election Expert Observation Mission  
The Gambia Presidential Elections 2021**

## **Preliminary Statement**

***A competitive online and offline campaign marked progress, although more substantive gender equality and inclusion of marginalised groups needed***

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*Following an invitation from the Independent Electoral Commission (IEC), the WFD Thematic Election Expert Observation Mission (TEEOM) commenced work on 31 October 2021 and will continue to follow the process until 20 December 2021. The mission's primary focus was on the rights and opportunities of women, youth, persons with disabilities and other underrepresented groups to participate in the electoral process. It also assessed media and online coverage of the election campaign. The TEEOM did not deploy observers and so is not in a position to assess the overall integrity of the pre-election, election day or counting processes and this statement is issued prior to final completion of the process.*

### **1 Executive Summary**

- This was the first presidential election since the 2016 vote brought an end to the 22-year rule of former President Yahya Jammeh. It was widely seen as a test for Gambian democracy. Election day passed without major incident and voters turned out in high numbers. The election was contested by six candidates, representing major parties and one independent. Notwithstanding a range of barriers to the full participation of marginalised groups, the campaign was competitive and fundamental freedoms were generally respected.
- Whilst a small number of interventions bordering on hate speech by high-profile figures garnered significant attention during the campaign, these were widely condemned by Gambian society. No significant incidents of campaign violence were reported. However, the initial rejection of some of the results by three candidates on 5 December, without apparent substantiation, was followed by a swift deterioration in the online discourse.
- Disputes regarding the nomination process, which reached the High Court, proved contentious. Overall, the nomination process diminished the reputation of the Independent Electoral Commission (IEC) and highlighted the lack of coherent legal deadlines and consequently a lack of an effective legal remedy.
- Following the 2016 election, a number of new laws, including a draft Constitution, were discussed but the legal framework remains largely unchanged and some undue restrictions on freedom of the media and freedom of expression are of concern. Despite this the media were able to cover the campaign freely and present a critical analysis of the issues. It is noted, however, that access to the media is limited in large sections of the country, which may particularly impact on women.
- TEEOM media monitoring found that the state broadcaster, Gambia Radio and Television Services (GRTS), covered the campaign in a balanced manner, mostly respecting the legal requirements of equal coverage and providing equal free political broadcasting time to all candidates. The private media's coverage of the campaign was far less balanced, in some cases giving an exclusive focus to the incumbent's campaign, and often not distinguishing clearly between paid and editorial

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coverage. IEC Media Rules interpret some aspects of the law in an overly restrictive manner, while internal IEC capacity to monitor the media for potential breaches is weak.

- The lively and uncensored character of the online campaign bore testament to the opening of the democratic space since 2016. These gains would have been amplified had social networks, lawmakers and the IEC undertaken more effective preparation for the campaign. TEEOM social media monitoring found that inadequate preparation impeded the IEC's capacity to communicate online, which contributed to a partial erosion in the trust it enjoyed with the Gambian people.
- Gambia has ratified key international instruments regarding women's participation in political and public life and there are no legal provisions that prevent the full participation of women in elections and politics. However, despite women representing a majority of the electorate, a lack of political will to promote the role of women and the prevailing patriarchal character of society limits the presence of women in decision-making spaces. One woman had indicated her intention to contest the 2021 election, but she failed to complete the nomination process.
- Youth were particularly active in the election, with youth coordinators often giving speeches at campaign rallies and youth activists often responsible for the organization of campaign events and mobilisation efforts during house-to-house campaigns. Youth civil society organisations were also very active in voter education and domestic observation initiatives. Young people, disproportionately young men, were to a great extent the organisers, audience, and subjects of the online campaign.

## 2 Electoral Environment

After the change of power in 2016, proposals for a new constitution and electoral reforms were put forward. However, the 2020 Draft Constitution was not approved, which would have introduced a range of election-related measures, including term limits, a requirement for an absolute majority for presidential elections, a new and more autonomous 'Independent Elections and Boundaries Commission' (IEBC), and various diversity and inclusion mechanisms within the National Assembly and political parties.

The 2021 presidential elections in The Gambia were generally peaceful and campaign freedoms were respected. None of the six candidates raised formal complaints about the IEC's preparations, with no formal challenges to the final voter registration despite an earlier court ruling regarding the issuing of attestations by the Mayor of Banjul. Up to the eve of the elections, the six contesting candidates and parties had not presented any formal major complaint, and even despite the controversies around candidate nominations the Inter-Party Committee (IPC) did not raise any concerns.

The successful appeals midway through the campaign by Dr. Ismaila Ceesay (Citizen's Alliance) and Mai Ahmad Fatty (Gambia Moral Congress) in the High Court against the IEC's initial rejection of their nomination, which found that it violated their constitutional right to stand for election, nevertheless cast a shadow over the IEC. Furthermore, the IEC's subsequent declaration that it intended to appeal the Court's decision and its delays in responding to Fatty's resubmission of nomination papers, were avoidable missteps that did not help restore public confidence in the institution.

Initially, much of the information provided by the IEC on its website was not up to date, and the inadequate press conferences and online communications ensured the IEC struggled to communicate the justification behind rejecting the nominees. Critically, the episode also highlights the lack of coherent timelines for this key part of the electoral process and therefore the lack of an effective legal remedy.



During the campaign, the IEC did announce that it had received complaints from some parties about the conduct of opponents and responded to those. One was from the National People's Party (NPP) against Gambia Democratic Congress (GDC) regarding the involvement of former president Yahya Jammeh in Mamma Kandeh's rallies. However, the IEC did not sanction any party publicly for any misconduct.

Whilst there were no reported incidents of violence, the use of incendiary language bordering on hate speech and incitement were evident. This prompted the National Human Rights Commission to issue a statement of concern over remarks by both the NPP and United Democratic Party (UDP) candidates. Complaints were also made regarding a speech by the National President of NPP at a rally in Bakau. Despite the existence of a Code of Conduct for Campaign Ethics, which the IEC issued to each candidate on nomination day, a Code of Conduct for Peaceful Elections signed by all presidential candidates and the Janjanbureh Peace Accord signed by all parties under the auspices of the IPC, neither the IEC nor IPC publicly condemned any candidate during the campaign for such language.

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

Whilst counting was still ongoing, three of the candidates, Darboe, Kandeh and Faal (who later recanted his rejection) convened a press conference to reject some of the results citing what they characterized as a delay in the announcements and other unspecified issues. Some 28 hours after the closure of polls the provisional result was declared by the IEC Chair giving victory to the incumbent Adama Barrow.

### 3 Media Environment and Coverage

While media freedom and freedom of expression are guaranteed in the Constitution and international legal instruments to which The Gambia is a party, a number of problematic laws remain on the statute books in contradiction with these standards. Although such provisions have not been used recently and did not impact this election campaign, their existence nonetheless remains concerning for journalists, who believe it has a potential chilling effect, particularly on investigative reporting.

Since the last presidential election, the media landscape has opened up considerably, with five private TV stations now operating in addition to the single state channel, GRTS. Some 40 radio stations and nine community radio stations operate across the country, including in national languages, several daily newspapers are printed, and there are a number of online-only media outlets. Radio is the most accessible media across the country, although newspaper and online content is frequently used as a source for radio content, often translated into national languages. Nevertheless, there is a perception that the more nuanced political discussions available on TV and online channels do not always reach rural audiences.

Media ownership is generally opaque. Private channels QTV and Afri Radio are controlled by two large telecommunications companies, QCell and Africell, which also dominate the small advertising market across all media outlets, reportedly having an influence on editorial content.

According to the Elections Act, all candidates must be given equal coverage on GRTS TV and radio and a set amount of free airtime for party political broadcasts. The rules also call for GRTS to provide fair and equal coverage of campaign activities, within the limits of its resources. GRTS complied with this by allocating a media team to each candidate, providing 20 minutes of daily campaign highlights.



Private media are required to provide access to all candidates at the same advertising rates, which they should submit to the IEC. While the Rules limit paid political advertising on private radio channels to 10 minutes daily, there is no such restriction on private TV channels. The IEC's Media Rules could have benefited from greater revision since the previous presidential election, particularly given the emergence of private TV channels. Furthermore, there is no requirement for such advertising to be clearly marked as paid advertising, and in any case the IEC does not have the capacity to monitor compliance with the rules. The IEC Media Rules also unduly limit the content of party political broadcasts, going further than the Elections Act's ban on insulting and slandering another candidate to require that they solely present their programmes and ideas and not criticise other candidates. This rule led to a short-lived boycott of GRTS by UDP in the early stages of the campaign.

The TEEOM's media monitoring found that the prime time news coverage of GRTS was balanced and gave fair coverage to all candidates. In contrast, QTV provided coverage of President Barrow's campaign to the exclusion of all other candidates in the sample monitored. While not against the letter of the law, such editorial decisions are against ethical and professional standards. Ad hoc sampling of other TV and radio channels found a similar though less marked imbalance in coverage, with more political advertising and coverage given to Barrow and Darboe. This reflects the TEEOM's interviews with media outlets which confirmed that most paid advertising came from NPP, and to a lesser extent from UDP. The online newspapers gave more coverage to those considered the leading candidates, although this was mainly driven by news events rather than bias towards particular candidates.

Regrettably, several private TV channels broke the pre-election day of silence, broadcasting programmes with Barrow and Darboe, which the IEC admonished in a public letter. GRTS also broadcast a 45-minute programme on the achievements of the President on the eve of the election.

There were a number of positive media initiatives during the campaign, such as training on peaceful election reporting, a presidential candidate debate (although only two candidates participated), and election-related discussion programmes.

There are several well-known female media personalities, who were visible during the campaign. However, they remain in a minority compared to their male counterparts. Some youth programming was observed, whereas persons with disabilities (PwD) remained rather absent from the media during the campaign. While QTV news provides sign language interpretation, this is an exception rather than the rule.

#### 4 Online Campaign

The lively conduct of the online campaign reflected recent gains in the enjoyment of freedom of expression. Unlike in 2016, no restrictions were imposed on Internet access during the election. This progress was not, however, reflected in a legal framework that indicated inadequate preparation from lawmakers to safeguard digital rights. Whilst the passing of the Access to Information Act on 25 August 2021 constituted a late step forward, the laws encompassing the online campaign remained largely at odds with The Gambia's international commitments<sup>1</sup>.

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<sup>1</sup> For example, the Information Act (2009) allocates sweeping surveillance powers to national security agencies, in contravention to the Malabo Convention; spreading 'false information' remains penalised under section 181A (1) of the Criminal Code, whilst there is currently no Data Protection Act to safeguard citizens' online information.



The TEEOM conducted a programme of social media monitoring<sup>2</sup>. The most-discussed themes online were the economy and opportunities for young people, though policy detail was less prominent than criticism of candidates<sup>3</sup>. This critique was only rarely discriminatory, though a small number of interventions which were widely labelled by Gambians as ‘tribalism’ garnered widespread attention; however, responses were overwhelmingly condemnatory rather than supportive<sup>4</sup>. Comments from the presidential debate’s more than 100,000 online viewers showed that it spurred greater discussion of policy issues. The failure of four candidates to attend represented a lost opportunity to amplify this positive impact.

Misinformation on Facebook targeted various candidates, but mostly failed to gain widespread visibility compared with other content<sup>5</sup>. This was in spite of rather than because of counter-disinformation measures<sup>6</sup>. Whilst fact-checkers worked diligently, particularly by disseminating their content through WhatsApp groups, their work on Facebook was impeded by limited reach, inadequate specialised training, and a lack of proactive collaboration from social platforms. These factors opened verificatory vacuums in which misinformation sometimes went unchecked.

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

The IEC was not a major talking-point online until the November 23<sup>rd</sup> overturning of decisions on candidate nomination in court challenged popular confidence in the institution. Inadequate online communications ensured the IEC struggled to communicate the justification behind rejecting the candidates. A raft of critique ensued, including allegations unrelated to the decision, suggesting the incident impacted the IEC’s overall reputation<sup>7</sup>.

Social networks failed to implement key transparency features<sup>8</sup>. TEEOM research documented that £237,586.12 was raised for the campaign through 14 verified online crowdfunding events and seven

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<sup>2</sup> TEEOM social media monitors analysed every publication published during the campaign period on 30 of the most-prominent pages producing political content. This included direct qualitative and quantitative observations of more than 8000 posts and comments. The Mission also used scraping tools to analyse 15,000 Tweets.

<sup>3</sup> Over 90% of a sample of the most-commented posts from across the campaign’s duration failed to propose a specific policy. Two-thirds of these nonetheless criticised one of the candidates.

<sup>4</sup> Notably NPP President Dembo Bojang’s allegation on Monday 29<sup>th</sup> November that a UDP victory would mean non-Mandinka having to leave the country.

<sup>5</sup> Including allegations related to themes such as witchcraft, corruption, drug dealing, and infidelity.

<sup>6</sup> No political party had verified their party Facebook page, whilst of the candidates only President Barrow had verified both his Twitter and Facebook accounts.

<sup>7</sup> The IEC was criticised on at least three times more most-prominent pages 21-24 compared with 17-20 November.

<sup>8</sup> Facebook features recently rolled out to other elections which were not implemented in The Gambia include a Voter Information Centre, full ad library access, and ad library reports.



diaspora fundraisers publicised by official party pages<sup>9</sup>. Facebook, Google or Youtube did not render public any payment received for campaign ads and were not obliged to by law<sup>10</sup>.

WhatsApp was key in helping marginalised, illiterate and rural citizens overcome economic and infrastructural barriers to the online campaign. Gambian WhatsApp users often share content with those without access. Political parties used numerous groups to spread WhatsApp audio-visual messages nationwide, profiting from the greater trust accorded to content spread via groups populated by friends and family. Positively, many interlocutors reported having encountered factchecking and voter education over WhatsApp<sup>11</sup>. This helped extend fact-based messaging into communities who may be less exposed to digital literacy initiatives and may lack experience interpreting online claims. The distribution of pro-peace messaging by civil society groups served to placate the online environment in the weeks leading up to the vote, enabling the conditions for the jubilant celebration of democracy online during Election Day.

Encouragingly, evidence of complex online manipulation such as deepfakes, political botnets<sup>12</sup>, astroturfing, and disinformation produced by foreign state media were not observed. Gambian authorities were not named in recent investigations on usage of manipulative software that has implicated other nations in the region. Nonetheless, the prominence of WhatsApp-based campaigning, rising Internet penetration, and inadequate counter-disinformation capacity necessitates careful planning to safeguard the expanding online political space.

### 5 Women's Participation

Gambia has ratified many UN Human Rights Conventions, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the AU's Maputo Protocol. Furthermore, the 1997 Constitution and laws such as the Women's Act of 2010 provide comprehensive provisions to ensure that women are eligible to participate in political life, including the right to contest elections. However, these laws do not address the socio-cultural context in The Gambia, which is deeply rooted in the culture of patriarchy, thus giving rise to *de facto* limitations and constraints in facilitating the effective participation and representation of women in decision making processes and positions.

Women are a majority of the electorate, as the final voter list includes 545,318 women, (56.6%) and 416,839 men. The disaggregated data of the regions also shows this trend of a higher percentage of women voters: Banjul 52.5%, Kanifing 54.4%, Brikama 56.3%, Kerewan 56.8%, Mansakonko 54.9%, Jajambureh 57.6% and Basse 61.9%.

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

<sup>9</sup> For the UDP, National Unity Party, Citizens' Alliance, Essa Faal, and PDOIS. Diaspora fundraisers ran in the United Kingdom, Germany, Austria, Switzerland, the Netherlands, Canada, and the United States.

<sup>10</sup> By comparison, Facebook transparency features show details of the 3132 Facebook ads run in Senegal since March 2021.

<sup>11</sup> Created by the National Youth Parliament supported by the British High Commission, FactCheck Gambia, and Peace Hub The Gambia.

<sup>12</sup> The TEEOM analysed a total of 15,000 Twitter followers of the two leading candidates, sending them to the Botometer Pro API at Indiana University's Observatory on Social Media. Results indicated similar levels of bot-like characteristics in both groups. New followers during the campaign did not show greater indications of bot-like behaviour than longstanding followers.



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

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

Women are less represented than men amongst social media users in The Gambia<sup>13</sup>. Their consequent underrepresentation in the online campaign is likely partly due to their unequal economic position. Data showing that they are also less likely to participate in online debate even as a portion of their usage suggests that non-economic factors may also play a role. This may include the failure of political parties to give due prominence to women at rallies<sup>14</sup> and cyberbullying which targets politically active women.

## 6 Inclusivity

Young people were very active during these elections. Male and female coordinators of youth wings often gave speeches at campaign rallies. Young women and men were in charge of logistical tasks and were also responsible for the recruitment and mobilising of their cohort, associations and undecided voters during house-to-house campaigns. Also, young people were to a great degree the organisers, primary audience, and subject matter of the online campaign<sup>15</sup>. Youth civil society organisations were also very active, conducting a series of activities on voter education, and domestic observation initiatives.

The Constitution provides for the right to respect, to human dignity and the protection for PwD against exploitation and discrimination. In August 2021, the Disability Act became law, guaranteeing the political rights of PwD. However, PwD leaders' major challenge in running for office is to receive endorsement from their political parties in order to be able to compete in an election, being required to compete on equal terms with other competitors who do not face similar difficulties, such as lack of accessibility in the spaces in which their political parties gather, and the lack of any braille materials or sign language translations. Women living with disabilities have to go an extra mile to be accepted or recognised in political parties because of their condition and the patriarchal nature of the society.

Only one party, the GDC, has developed a specific portfolio for PwD with representation at the national executive and the creation of regional chapters. The presence of PwD in decision making spaces within a party also has a positive impact on the efforts to ensure registration of voters with disabilities.

On election day, although the Elections Act dictates that only a polling officer should assist people with disabilities, the IEC took the initiative to incorporate into its Handbook the good practice of allowing people

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<sup>13</sup> 66.3% of Gambian Facebook users are men and 33.7% are women. Preliminary TEEOM social media monitoring data suggests that women Facebook users were responsible for only roughly 20% of comments.

<sup>14</sup> Preliminary TEEOM social media monitoring data suggests that women constituted roughly 22% of speakers on videos streamed of rallies, yet spoke for only 14% of the time. Monitoring of GRTS evening news reporting found that, excluding the (all male) candidates, women in the campaign were given a fifth of the coverage men received.

<sup>15</sup> Young people's issues were consistently one of the main talking points, whilst under-35s constituted 71.9% of The Gambia's Facebook users as of November 2021.



# WFD

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with visual impairments and physical infirmity to enter the voting room with a companion. There are no braille ballot drums.

The IEC uses public schools as polling stations, which often do not have adequate facilities to allow people with physical disabilities to easily move and cast their vote effectively. These physical barriers can present a significant disincentive to take part in elections, especially if physically challenged people do not have the support of family members or their community circle. On Election Day, it was reported that a considerable number of polling stations were not adequate to facilitate easy access for persons with disabilities to the polling streams<sup>16</sup>.

### Further Mission Information

*The TEEOM comprised a three-person international team, made up of a Gender and Inclusion Expert, who was present in the country and was Team Leader, as well as a Media Expert and a Social Media Expert, both of whom worked remotely. These experts were supported by two national experts and two teams of media monitors. The TEEOM is independent of the WFD office in Gambia and operated according to best practices for election observation as represented in the Declaration of Principles.*

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For more information, email [comms@wfd.org](mailto:comms@wfd.org)

### About Westminster Foundation for Democracy

*Westminster Foundation for Democracy (WFD) is a signatory to the Declaration of Principles for International Election Observation and is the UK public body dedicated to supporting democracy around the world. WFD works with parliaments, political parties, and civil society groups as well as on elections to help make countries' political systems fairer and more inclusive, accountable, and transparent. Visit [www.wfd.org](http://www.wfd.org) for more information.*

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<sup>16</sup> The Elections Watch Committee (EWC) reported that in 20% of polling streams observed, voters had to climb stairs; Gambia Participates noted that 8% of the polling stations they observed, were not accessible to PWD. Aso, CSO Coalition on Elections stated that although priority was given to persons with disabilities, access to polling booths was a challenge.