

SUMMARY OF THE CONSTITUTIONAL REVIEW
RECOMMENDATIONS BY THE DEMOCRACY WATCH GAMBIA
(D.W.G)



The fall of the APRC regime and the election into office of the Coalition government on the 2nd December 2016 marked the end and the beginning of an era in our country's long strive for democracy. A battle among series of battles in the strive for democracy had been won and the fight for democracy must therefore continue.

The future of democracy in our beloved homeland basks on the collective selfless sacrifices we as a people are prepared to make. Our view is that, we must all be gatekeepers of our democracy: alert and proactive against all forms of despotic tendencies in the national interest.

In tandem with the above spirit, we the Democracy Watch Gambia (DWG) in anticipation of the constitution of the Constitutional Review Commission (CRC) conducted a holistic review of the 1997 Constitution and formulated a set of recommendations for the CRC to consider. Our recommendations will seek to achieve:

1. Constitutional Safeguards

- a. Establishment of a Constitutionally mandated and publicly funded Constitution Safeguard

Ombudsman solely charged with the responsibility of making representations (Constitutional breaches) to the Government and / or Supreme Court on citizens' behalf.

- b. Introduction of Constitutional levers to inhibit the emergence of a government / ruling party dominated Legislature.
- c. Entrenchment of all Constitutional provisions.
- d. A 2 (two) term limit for the Presidency and the closure of the loophole which could usher in an unelected and Constitutionally ineligible President.
- e. End state regulation of the press / media; introduction of a self-regulatory mechanism managed and operated by a body set up by the press and media agencies themselves.

2. Citizens' Rights

- a. Reinforcing of the existing fundamental human rights guarantees and the introduction of a human rights Ombudsman to serve as an independent oversight authority and make legal representations to the relevant authorities and / or Supreme court on aggrieved citizens' behalf.
- b. Introduction of diaspora voting and representation Constitutional provision (entrenched) to mandate

appropriate legislation (Act of the National Assembly) on the subject.

- c. Criminalisation of torture and maltreatment of detainees / suspects with a mandatory custodial sentence.

3. Standards in Public Life

- a. Introduction of a respectable criteria for eligibility for cabinet appointment (subject to Parliamentary approval) and a Ministerial code in order to raise standards.
- b. Introduction of a respectable and fit-for-purpose eligibility criteria (education & civic awareness) for National Assembly candidates.
- c. Introduction of Constitutionally mandated mechanisms to address the subject of gifts to and by persons in public office.

4. Public Accountability

- a. Reinforce the accountability and oversight levers with respect to the allocation and utility of public finances including the acquisition of loans and signing of deals by the government with significant financial impact to the public purse, sovereignty etc.

- b. Give Parliament a direct oversight role over Public Enterprises / Corporations and the introduction of a time limited contract (renewable on merit dependent on performance) for heads of such public entities.

5. Administration of Justice & Law Enforcement

- a. Introduction of tape recorded Police interview of suspects in the presence of a legal rep / advisor (lawyer) in place of the status quo (recording of a cautionary statement).
- b. Free publicly funded legal representation during proceedings for all persons accused of imprisonable offences.
- c. Independence from political control of the office of the Director of Public Prosecutions.
- d. Decentralisation of the Police Force: introduction of regional Police forces in place of the current national police force (GPF).
- e. Reformation of criminal justice, prisons (decentralised) and sentencing (introduction of community / non-custodial sentences for certain offences).

6. Democracy

- a. Total independence of the Electoral Commission of Executive control.
- b. Democratic regulation by the Electoral Commission of all political parties in order to upgrade and standardise internal political party democracy with those standard and the level of democratic accountability expected of the government of the day; & the public funding of Parliamentary political parties in order to facilitate proper government opposition.
- c. Introduction of a non-partisan upper (revising) Parliamentary chamber of diverse experts and professionals in order to enhance the quality of overall legislative output.
- d. Capping of top Executive pay and introduction of a wage ratio to eliminate the unfair wage gap in the public sector and eventually the entire Gambian labour market.
- e. Overhaul of the national honours system so that it is merit – based and un-politicised.
- f. Independence of the Public and Civil Services from political control.
- g. Independence of the Armed Forces from political control.
- h. Reformation of the National Intelligence outfit so that it becomes an intelligence gathering only

agency and not a quasi crime investigation / law enforcement body.

- i. Reformation of local government administration so that it is localised and free from partisan politics.

7. Miscellaneous

- a. Protection and preservation of Gambian art and culture - prevention of culture erosion and the loss of revenue by the Gambian art industry.
- b. Land allocation reform in order to make land acquisition / housing available to and affordable for all.

We encourage you to read the full version of our recommendations – a copy of which is available at www.dwgambia.org/.

Democracy Watch Gambia (D.W.G).