

BEYOND MONEY:

SEXUAL AND GENDER-BASED VIOLENCE AND REPARATIONS IN THE GAMBIAN TRANSITIONAL JUSTICE PROCESS

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EXECUTIVE SUMMARY

During former President Yahya Jammeh's regime (1994–2017), state actors, including Jammeh himself, systematically used sexual and gender-based violence (SGBV) as a tool of repression. The Truth, Reconciliation and Reparations Commission documented these abuses and amplified survivors' testimonies. Yet, reparations have largely been limited to financial compensation, neglecting survivors' urgent long-term needs, such as healthcare, psychosocial support and recognition.

The Gambia's newly established Reparations Commission presents a critical opportunity to fulfil these outstanding obligations. To achieve national and international commitments, the government must prioritise SGBV survivors through comprehensive, urgent, non-financial reparations that restore dignity and confront the structural inequalities that enabled the violations.

This policy paper calls for a survivor-centred, comprehensive approach to reparations that delivers urgent, non-financial reparations, including healthcare, psychosocial support and legal protection. Such measures affirm survivors' humanity, break down deep-rooted inequalities and set a precedent for transformative justice across Africa.

INTRODUCTION

'For how long now, our experiences and our voices don't matter. Our suffering is invisible even when victims are dying one by one.' – Victim (Fantanka Safe Space, April 2025)

Under Yahya Jammeh's dictatorship (1994–2017), Gambian women endured sexual and gender-based violence (SGBV) as a deliberate weapon of terror and authoritarian control. Testimonies before the Truth, Reconciliation and Reparations Commission (TRRC) revealed systematic patterns of rape, sexual harassment and sexualised torture inflicted by state agents, including Jammeh himself, targeting detainees, political opponents and those coerced into his so-called medical 'treatment' programmes.¹

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The TRRC advanced The Gambia as a regional model for transitional justice by documenting national abuses and empowering survivors to speak publicly. However, the state has not matched these achievements with adequate reparations. The TRRC's reparations programme delivered mainly monetary compensation, with minimal psychosocial and medical support, limited long-term livelihood opportunities, and insufficient symbolic recognition.

1 Truth, Reconciliation and Reparations Commission, *Volume 1 (Part A): Compendium on Findings and Recommendations* (2021).

This gap highlights a broader challenge within transitional justice, where authorities often treat reparations as financial transactions rather than tools to restore dignity and promote healing. Monetary payments, though necessary for immediate relief, are inadequate when unaccompanied by measures that restore health and social belonging for SGBV survivors.² Survivors, most of whom are women,³ continue to face stigma, poverty, exclusion from decision-making, and delays in receiving even basic financial reparations.⁴

The government must ensure that, as one of the most heinous violations of the Jammeh era, SGBV is treated with the seriousness it demands. Delivering reparations that go beyond cash would affirm survivors' humanity and strengthen The Gambia's position as a regional leader in truth and justice. The time to act decisively is now.

The Gambian context

The Gambia is a highly patriarchal society where entrenched gender hierarchies, cultural taboos and systemic impunity continue to perpetuate SGBV. From childhood, girls are socialised to be submissive, mainly confined to domestic roles and discouraged from discussing sex or sexuality. These norms encourage silence, normalise SGBV and frame it as a private or shameful issue to be concealed rather than a criminal act to be reported and addressed.

During Yahya Jammeh's 22-year rule, SGBV became both a manifestation and an instrument of oppression, used to exploit, punish, silence and control women and girls. Victims faced barriers to reporting due to fear, stigma and societal attitudes and norms that privilege men while blaming victims of SGBV. Rape, forced marriage and female genital mutilation (FGM) occurred widely with impunity. State agents and authority figures frequently committed SGBV, and the TRRC revealed how unequal power relations and a culture of silence allowed SGBV to thrive. These norms excused and justified abuse, denying women justice and dignity.⁵

Following the end of the TRRC, authorities have failed to treat the consequences of SGBV as urgent, leaving survivors' needs largely unmet. Civil society organisations (CSOs) have attempted to fill the gaps, but their efforts are fragmented.⁶ Many victims have waited for almost three years for final compensation and other reparatory measures, with some tragically dying before receiving theirs. Survivors continue to need medical care for injuries and reproductive complications, psychosocial support to address trauma, and protection from harassment. These delays trigger perceptions of injustice and reinforce the message that survivors' pain is not a priority.

2 Ruth Rubio-Marín and Pablo de Greiff, "Women and Reparations," *International Journal of Transitional Justice* 1, no. 3 (2007): 318–337.

3 Afi Metonou, "Conflict-Related Sexual Violence and Women's Rights: Africa in Global Context," in *The Palgrave Handbook of African Women's Studies*, ed. Olajumoke Yacob-Haliso and Toyin Falola (Cham: Palgrave Macmillan, 2021), 773–786; Britta Leyh and Julie Fraser, "Transformative Reparations: Changing the Game or More of the Same?" *Cambridge International Law Journal* 8 (2019): 39, <https://doi.org/10.4337/cilj.2019.01.02>.

4 International Center for Transitional Justice (ICTJ) and Global Survivors Fund (GSF), *The Gambia Study on Opportunities for Reparations for Survivors and Survivors of SGBV* (2022), https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Global_Reparation_Studies/GSF_Report_Gambia_ENG_June2022_WEB.pdf (accessed 21 September 2025); International Center for Transitional Justice (ICTJ), *Women's Experiences of Dictatorship in The Gambia: A Submission to the TRRC* (New York: International Center for Transitional Justice, 2019).

5 Truth, Reconciliation and Reparations Commission (TRRC), *Volume 10: Sexual and Gender-Based Violence* (2021).

6 National Human Rights Commission, *Third Status Report on the Monitoring of the Government White Paper: Period May 2024–May 2025* (Serrekunda, The Gambia: National Human Rights Commission, 2025), <https://www.gm-nhrc.org/reports> (accessed 31 October 2025).

Stigma and entrenched patriarchal structures further complicate survivors' pursuit of accountability. Cultural taboos and the community discouraged many from participating in the truth-telling process. The trauma of public exposure also deterred many women from testifying before the TRRC, leaving their experiences absent from official records and their access to reparations limited.

Some survivors reported having their benefits controlled by male relatives. In some cases, male relatives have attempted to appropriate benefits intended for women, highlighting the urgent need for reparations to safeguard survivors' autonomy and protect them from patriarchal control.⁷ Without measures that confront these structural barriers, survivors remain silenced, their agency denied, and reparations fail to deliver meaningful justice.

Cultural taboos and the community discouraged many from participating in the truth-telling process

Even international accountability efforts have fallen short. In Switzerland's universal jurisdiction trial of Ousmane Sonko, the court excluded SGBV charges from his conviction, reinforcing survivors' scepticism. Authorities have not established mechanisms to assess or address the emotional trauma this exclusion might have caused. Community-led healing initiatives are crucial for restoring trust and challenging the stigma that isolates survivors, empowering them to advocate for their needs with greater confidence. Such healing initiatives extend reparations beyond material measures, encouraging social repair and recognition. In contexts like The Gambia, where taboos and patriarchy continue to suppress victims, the resulting agency is crucial for survivors' sense of justice.

The newly established Reparations Commission presents both an opportunity and a responsibility for the Gambian government to address these gaps. To be effective, urgent reparation must go beyond cash. The government must urgently establish comprehensive, survivor-centred support that restores dignity, protects their rights and empowers them to reclaim their lives. This means scaling up psychosocial care, providing free reproductive and mental health services, securing survivors' control over entitlements, and embedding guarantees of non-repetition through enforcement of gender laws. Together with public campaigns against stigma, these are all urgent measures that must be prioritised.

THE TRRC REPARATIONS EXPERIENCE

The TRRC played a critical role in breaking the silence around SGBV in the country. Through public hearings, survivors courageously recounted abuses once silenced by stigma and fear, while CSOs built on this by providing a broader structural picture of the scope and realities of SGBV in The Gambia. However, implementation has fallen short. The government initially allocated US\$1 million, but this was divided among 1 009 survivors, diluting its impact.⁸ Some non-monetary support, including psychosocial support, has been provided by leading CSOs active in the transitional justice process. These CSOs constitute the Association of Victim-Led Organisations (AVLO), a consortium united to leverage collective advocacy for the interests of victims. However, state-led efforts are necessary to achieve a greater impact.

⁷ ICTJ and GSF, *supra* note 4; ICTJ, *supra* note 4.

⁸ ICTJ and GSF, *supra* note 4.

KEY GAPS RAISED BY SURVIVORS

Survivors' responses to the reparations process reveal a disconnect between policy promises and lived experiences. Core concerns include:

- **Delays and uncertainty in delivery:** Survivors have waited years for compensation, which retraumatises those needing urgent medical and psychosocial support.
- **Insufficient funding:** The government's limited allocation of funds to the TRRC resulted in survivors receiving partial amounts that could not provide long-term relief for their challenges.
- **Stigma and patriarchal norms:** Cultural stigma and male control over resources meant some women lost access to reparations intended for them.
- **Lack of survivor participation:** Survivors were largely excluded from shaping reparations, despite the frameworks mandating survivor participation.
- **Weak legal enforcement:** Failure to implement or enforce gender protection left survivors vulnerable and undermined guarantees of non-repetition.

Consultations facilitated by the International Center for Transitional Justice (ICTJ) in rural regions highlighted demands for psychosocial support centres, ongoing medical care and scholarships for children.⁹ Similarly, the Global Survivors Fund study noted that survivors prioritised formal apologies, community acknowledgement, access to healthcare and financial assistance.¹⁰ This shows that SGBV survivors consistently seek measures that restore dignity, rebuild trust and repair relationships within their families and communities. Thus, in addition to non-financial individual measures, guarantees of non-repetition, security sector reform, enforcement of gender laws, and public campaigns against stigma are core parts of reparation measures.

REGIONAL AND CONTINENTAL CONTEXT: SGBV IN AFRICAN TRANSITIONAL JUSTICE

Across Africa's transitional justice landscape, SGBV survivors consistently face marginalisation, underreporting and inadequate reparations.

In **South Africa**, the Truth and Reconciliation Commission limited its mandate to politically motivated violations. Its final report findings concluded that rape did not qualify as a political violation.¹¹ Although this interpretation was presented as a way to deny amnesty for sexual crimes, it conveyed a contradictory message by treating rape as outside the political sphere. As a result, many women's experiences of rape, sexual assault and sexualised torture were excluded from the official record or treated as private harms, thereby reinforcing the silencing that South African women had worked to overcome. Survivors received little recognition and reparations were minimal, leaving the specific needs of SGBV survivors largely unmet.¹²

9 ICTJ, *supra* note 4.

10 ICTJ and GSF, *supra* note 4.

11 Beth Goldblatt, "Evaluating the Gender Content of Reparations: Lessons from South Africa," in *What Happened to the Women?: Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006), 49–91, https://books.google.gm/books?hl=en&lr=&id=Nw-STBE9k7YC&oi=fnd&pg=PA48&redir_esc=y#v=onepage&q&f=false.

12 Vasuki Nesiah, Marlies Wierda, Shireen Meintjes, Beth Goldblatt and Ayako Kusafuka, *Truth Commissions and Gender: Principles, Policies and Procedures* (New York: International Center for Transitional Justice, 2006).

In **Rwanda**, the International Criminal Tribunal for Rwanda set a global precedent in the *Akayesu*¹³ case by recognising rape as a constitutive act of genocide. However, domestic Gacaca courts were ill-equipped and lacked the capacity to handle cases of SGBV effectively. Most survivors did not testify due to the stigma and fear of reprisals. Hence, reparations were minimal, and health services for women, of whom up to 70% contracted HIV/AIDS, remained inadequate. Additionally, discriminatory property laws and entrenched social norms left many women unable to claim reparations, with widows who lacked formal land titles notably excluded.¹⁴

In **Sierra Leone**, women accounted for 100% of documented cases of sexual slavery and rape, and 38.5% of reported sexual abuse. However, many were too afraid to testify, silenced by fear of stigma and cultural norms that discouraged them from reporting sexual violence. Women were denied the agency to speak openly and the dignity of having their violations fully acknowledged. Those who testified often focused on harms to male relatives rather than their own suffering, leading to significant underreporting and erasure of women's experiences. Mental health and psychosocial support (MHPSS), sexual and reproductive health (SRH) services, and safe spaces for disclosure were largely absent. With needs for trauma counselling, reproductive care and long-term psychosocial assistance largely unmet, processes risk retraumatising SGBV victims.¹⁵

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These post-conflict contexts show that transitional justice processes routinely marginalise SGBV survivors when states fail to recognise sexual violence as a political violation, provide safe disclosure mechanisms, offer holistic support or provide adequate redress. Stigma, weak survivor participation and narrow, compensation-only reparations consistently undermine impact. Adequate SGBV reparations require deliberate, gender-responsive design; integrated medical, psychosocial and livelihood support; and strong institutional safeguards that prevent retraumatisation and exclusion.

13 Jean-Paul Akayesu, a mayor during the Rwandan genocide, was found guilty of facilitating and ordering sexual violence against Tutsi women, which was systematically used to destroy the group. This precedent expanded international legal definitions of genocide to include gender-based violence.

14 Timothy Longman, "An Assessment of Rwanda's Gacaca Courts," *Peace Review: A Journal of Social Justice* 21, no. 3 (2009): 304–312, <https://www.tandfonline.com/doi/epdf/10.1080/10402650903099369?needAccess=true>

15 Nesiah et al., supra note 12.

NORMATIVE FRAMEWORKS FOR REPARATIONS

Frameworks such as the African Union Transitional Justice Policy (AUTJP)¹⁶ and the United Nations (UN) Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)¹⁷ stress that reparations must be adequate, prompt and proportionate to the gravity of the harm. Crucially, they emphasise that reparations should be transformative, tackling past violations and the structural inequalities that enabled them. These regional and international normative frameworks provide lessons for the Gambian Reparations Commission.

The AUTJP defines reparations broadly, encompassing restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The AUTJP provides a strong continental framework for holistic and survivor-centred reparations. In particular, Benchmark III calls for comprehensive, gender-sensitive measures shaped by women's lived experiences.¹⁸ The policy aims for transformative change rather than merely restoring the status quo.

The UN Basic Principles and Guidelines reinforce this approach. They affirm the right of survivors of gross violations to adequate, effective and prompt reparations proportionate to the gravity of the harm. These principles emphasise the need for both individual and collective reparations, symbolic measures and structural reforms to guarantee non-repetition.¹⁹

Comparative experiences also offer valuable lessons. In Colombia,²⁰ survivors of conflict-related sexual violence accessed compensation alongside scholarships, psychosocial care and symbolic recognition, including a National Day of Dignity for women survivors. In Kosovo, survivors of wartime sexual violence received monthly stipends and access to healthcare, strengthening their reintegration.²¹ In the Democratic Republic of the Congo, Dr Denis Mukwege's Panzi model integrated medical, psychological, legal and socio-economic services, demonstrating how holistic reparations can rebuild lives.²²

These examples underscore that adequate SGBV reparations must address structural gender inequality, ensure survivors' participation in the design and monitoring process, and combine financial and non-financial support to promote dignity, recovery and long-term empowerment.

16 African Union, *Transitional Justice Policy* (Addis Ababa: African Union, 2019), <https://au.int/en/documents/20190425/transitional-justice-policy>.

17 United Nations, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law (UN General Assembly Resolution 60/147, December 16, 2005).

18 African Union, *supra* note 16.

19 United Nations, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted December 16, 2005.

20 Luke Moffett, "International Reparation Initiative for Conflict-Related Sexual Violence: Four Challenges," March 28, 2019, <https://opiniojuris.org/2019/03/28/international-reparation-initiative-for-conflict-related-sexual-violence-four-challenges/>.

21 Silvia Flisi, "Reparations for Wartime Sexual Violence: Colombia's Ambitious Program," July 18, 2016, <https://www.passblue.com/2016/07/18/reparations-for-wartime-sexual-violence-in-colombia-moving-past-good-enough>; K. Ristic, "The Media Negotiations of War Criminals and Their Memoirs: The Emergence of the 'ICTY Celebrity'," *International Criminal Justice Review* 28, no. 4 (2017): 391.

22 Moffett, *supra* note 20.

RECOMMENDATIONS

To the Government of The Gambia

- **Establish a Reparations Implementation Unit** within the Ministry of Gender, Children, and Social Welfare. This unit's mandate should coordinate with the Post-TRRC Unit at the Ministry of Justice, which is responsible for implementing TRRC recommendations. The unit can monitor and engage all implementing stakeholders relevant to medical, psychosocial, educational and symbolic reparations of SGBV survivors.
- **Issue a formal state apology** to SGBV survivors, including symbolic acknowledgement of state responsibility, public recognition of survivors' experiences and commitments to institutional reform.
- **Ensure free access to psychosocial and reproductive health services** by partnering with the Reparations Commission and healthcare service providers working with SGBV survivors.

To CSOs

- **Coordinate monitoring of SGBV reparations delivery** through unified platforms like the recently formed AVLO.
- **Initiate community-based healing initiatives** to address stigma and provide safe spaces that mitigate the stresses of delayed reparations and retraumatisation.
- **Challenge patriarchal interference** within the reparations delivery framework by working with the Reparations Commission to develop payment systems that are confidential and protect women's entitlements.
- **Advocate for survivor representation** in the design and oversight of reparations programmes, ensuring alignment with international and regional standards.

To the African Union and regional actors

- **Track The Gambia's reparations progress** against the AUTJP benchmarks and highlight gaps in survivor-centred delivery. This assessment should determine whether non-financial reparations (psychosocial care, health services and educational support) are effectively reaching women survivors.
- **Provide technical support** through the Transitional Justice Expert Group to help the Reparations Commission adopt tested practices from other contexts.

To international partners

- **Provide technical and funding support** to enhance CSO psychosocial expertise and service provision until state-led mechanisms are fully operational.
- **Support legal empowerment programmes** led by women lawyers, paralegals and legal entities supporting women's rights.
- **Link governance and justice sector aid** to concrete benchmarks on TRRC SGBV-related recommendations.

CONCLUSION

The Gambia's approach to addressing SGBV through reparations has a long way to go. While the TRRC shed light on the issue and began to break a culture of silence, thereby treating survivors as rights-holders, actual redress has so far been limited and slow. The critical needs of SGBV survivors, including psychosocial support, healthcare, recognition and guarantees of non-repetition, are so far unmet. Efforts should be enhanced with

practical alignment with the AUTJP and international standards of survivor-centred and transformative reparations. This must combine timely compensation with services, recognition and reforms that address structural inequalities.

AUTHOR BIOGRAPHY

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Mariama Jobarteh is an advocate for women and youth, leading community-driven change across The Gambia and Scotland. She is the founder of Fantanka, a women-led organisation championing sexual and reproductive health, trauma-informed care and transitional justice issues in The Gambia. Mariama has worked extensively with survivors of sexual and gender-based violence, youth and marginalised communities, integrating traditional healing with modern psychosocial support.



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The Initiative for Transitional Justice in Africa (ITJA) is a continental knowledge and policy platform dedicated to advancing African-led approaches to justice, accountability and reconciliation. Grounded in the African Union's 2025 theme, 'Building a united front to advance the cause of justice and payment of reparations to Africans', the Initiative convened six thematic webinars examining reparations for sexual and gender-based violence, forced displacement, insurgency, corporate accountability, mass movements, and the ongoing crises across various African contexts.

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