

THE GAMBIA CHRISTIAN COUNCIL

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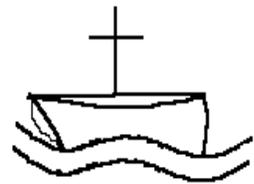
Founded since AD 1966

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Gambia Christian Council Petition to demand for change in draft constitution

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| Petition Title | Keep Our Diverse Nation Secular & Tolerant |
| Petition summary and background | <p>Christianity and Islam have lived side by side in mutual coexistence until this present day. It is an established national pride in the Gambia that across the country, families often have members of the two faiths living together and embracing each other's faiths based on personal conviction.</p> <p>The imposition therefore in 2015 by the dictatorial and despotic regime of Yahya Jammeh of a state religion on all Gambians was foreign to the Gambian culture and was destabilizing to the long-established mindset of tolerance, interdependence, and mutual coexistence that the Gambia knew.</p> <p>The defeat of the Jammeh regime in 2016 as well as being a rejection of dictatorship, was a total rejection of the regressive policy to transform our beloved nation from a secular, diverse, tolerant smiling coast into an Islamic State. It is therefore of grave concern to us that in the new draft Constitution, three key guarantees and safeguards are missing:</p> <ol style="list-style-type: none"> 1. The Gambia's "Secular" identity guaranteed in law by an Act of Parliament in 2017; and 2. The safeguard against the discrimination and persecution of minority groups as well as the prohibition of religion, 3. The safeguard of the State against another unilateral Islamic State declaration <p>To this end, we request the President of The Gambia to consider our petition which is detailed below.</p> |
| Action petitioned for | <p><u>CRC Mandate</u></p> <ul style="list-style-type: none"> • <i>We are asking for the CRC to live up to CRC Act 2017, Section 6, Subsection 2,d,vi u , which requires them to draft a new Constitution which shall safeguard and promote "The Gambia's continued existence as a secular State in which all faiths are treated equally and encouraged to foster national cohesion and unity."</i> <p><u>The Preamble</u></p> <ul style="list-style-type: none"> • <i>We insist that the term "Secular" should be included in the Preamble which states the ethos and history of our nation in the overall introduction of our constitution.</i> |



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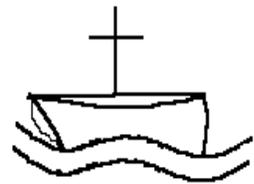
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Chapter (I) The Republic and the sovereignty of the people

- We do not agree with the CRC Chairman that just because the term Secular State was not legally inserted in the 1997 constitution it justifies its exclusion in the new draft constitution, otherwise nothing new should be added to the new draft constitution.
- Having an entrenched clause in Section 151 (2)b which states that “The **National Assembly shall not pass a bill to establish a religion as s State religion**” is not enough. Though having this provision clearly stated in the constitution is very good and reassuring it does address totally our concerns as a minority group that have experienced a growing marginalization, inequality, unfair treatment and persecution under President Jammeh’s regime and it still continues in some areas.
- We are therefore asking that
 1. Chapter I 1(1) to should clearly state “The Gambia is a Sovereign Secular Republic”.
 2. A clear definition must be given of the term “Secular” **which explains the neutrality of the government on matters of religion and that equal and fair treatment is given to all irrespective of their religion.**
 3. Section 151(2) be expanded to read as follows; “The National Assembly **and or any organ of government including the President or another on their behalf shall not pass a Bill, make a pronouncement or declaration or directive or order to establish a religion as s State religion.**”

Chapter (X) Judiciary

- We are concerned that the word Shariah now appears in the draft constitution more than 38 times and which is raising fears that the Gambia is once again leaning towards an Islamic State.



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- *We see no justification for:*
 - a) *The Cadi Court to be renamed Shariah Court,*
 - b) *The expansion of the powers of the Cadi Court to areas beyond the 1997 constitution such as being proposed in the areas of adoption, burial and endowment, especially as it will affect our Christian men and women who are married to a Muslim.*
 - c) *The introduction of a Shariah High Court which runs parallel to the Gambia High Court over which it will have no supervisory jurisdiction. The qualification of 7 years' experience in Shariah Law is discriminatory to Christians and the fact that women judges cannot sit in Shariah courts is also discriminating against women*
- *We cannot accept Shariah being applied to any non-Muslim whether or not they are married to a Muslim.*
- *We therefore insist that the below should be reflected in the new Constitution:*
 1. *That Shariah be only applicable to Muslims and where a Christian is affected in matters of inheritance, marriage, divorce, Civil law be applicable; (Amend s.186(1) of the draft to explicitly state who shall be subject to Sharia as per s.137(4) of the 1997 Constitution).*
 2. *That the proposed Shariah High Court be removed, and the Cadi Courts be maintained in the same terms as is the case in the 1997 Constitution;*
 3. *That no state funds be used to enhance any particular religion in government institutions;*
 4. *That public officials do not use their offices and authority to propagate a particular faith against another.*