



# General Assembly

Distr.: General  
22 August 2019

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Gambia**

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## Contents

	<i>Page</i>
Preface .....	3
List of abbreviations and acronyms.....	4
List of legislations .....	6
I. Process for the preparation of the report .....	7
II. Implementation of recommendations from the previous cycle .....	7
A. Acceptance of international norms .....	7
B. Cooperation with treaty bodies .....	8
C. Cooperation with special procedures .....	9
D. Cooperation with international mechanisms and institutions .....	9
E. Inter-state cooperation and development assistance .....	10
F. Constitutional and legislative framework .....	11
G. Institutions and policies .....	14
H. Right to physical and moral integrity.....	22
I. Prohibition of torture and cruel, inhuman or degrading treatment.....	23
J. Conditions of detention.....	23
K. Prohibition of slavery and trafficking .....	24
L. Freedom of opinion and expression .....	24
M. Right to education.....	25
N. Right to development – General measures of implementation .....	27
III. New and emerging issues .....	28
A. Truth Reconciliation and Reparations Commission .....	28
B. Constitutional Review Commission .....	28
C. National Human Rights Commission .....	29
D. The Security Sector Reform .....	29
IV. Challenges requiring the support of international communities .....	29

## **Preface**

The Republic of the Gambia is committed to the progressive realization of the rights and freedoms of all persons as well as the duties enshrined in the human rights conventions and treaties ratified through the creation of appropriate policy, legislative, judicial, administrative and budgetary measures.

It is against this background that this Report seeks to highlight the measures adopted, the progresses made as well as the constraints encountered. During the period under review (2015-2019), numerous challenges had to be overcome in the effective realization of the promotion and protection of these rights.

The Ministry of Justice takes this opportunity to express its appreciation to the Human Rights Council and hope that the Council will appreciate the progresses made so far, the determinations being made to overcome the highlighted challenges and continue to support The Gambia's obligation to sustain the promotion and protection of human and peoples' rights in the overall interest of all Gambians.

The Government of the Gambia looks forward to the opportunity to engage in a constructive dialogue with the UPR Working Group in November 2019.

Prepared by:

The Inter-Ministerial Taskforce under the coordination of the Attorney General's Chambers & Ministry of Justice.

July 2019

## List of abbreviations and acronyms

AAITG	Action Aid International The Gambia
ADR	Alternative Dispute Resolution
ADRS	Alternative Dispute Resolution Secretariat
AIDS	Acquired Immune Deficiency Syndrome
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPA	Child Protection Alliance
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
DHS	Demographic Health Survey
DSW	Department of Social Welfare
ECD	Early Childhood Development
EFA Net	Education for All Network
EFA	Education For All
FAWEGAM	Forum for African Women Educationalists, Gambia
FGM	Female Genital Mutilation
FLAG	Female Lawyers Association of The Gambia
FTI	Fast Track Initiative
GAFNA	Gambia Food and Nutritional Agency
GAMCOTRAP	Gambia Committee on Traditional Practices Affecting Health of Women & Children
GBoS	Gambia Bureau of Statistics
GBV	Gender Based Violence
GCR	Gambia Commission for Refugees
GPE	Global Partnership For Education
HIV/AIDS	Human Immunodeficiency Syndrome/ Acquired Immunodeficiency Syndrome
IOM	International Organization for Migration
LBE	Lower Basic Education
MoBSE	Ministry of Basic and Secondary Education
MOHERST	Ministry of Higher Education, Research, Science and Technology
MoHSW	Ministry of Health and Social Welfare
MOU	Memorandum of Understanding
NAATIP	National Agency Against Trafficking In Persons
NALA	National Agency for Legal Aid
NANA	National Nutrition Agency
NDP	National Development Plan

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NGBV	The Network Against Gender Based Violence
NSPP	National Social Protection Policy
PRSP II	Poverty Reduction Strategy Program
PWD	Persons with Disabilities
SDGs	Sustainable Development Goals
SRT	Sexual and Reproductive Health
SSE	Senior Secondary Education
TANGO	The Association of Non- Governmental Organizations
TB	Tuberculosis
TRRC	Truth Reconciliation and Reparations Commission
UBE	Upper Basic Education
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	The United Nations Children’s Fund
UNSCR 1325	United Nations Security Council Resolution 1325
WHO	World Health Organization

## **List of legislations**

Children's Act 2005  
District Tribunal Act (Revised Laws 2009)  
Domestic Violence Act 2013  
Labour Act 2007  
Prison's Act (Revised Laws 2009)  
Sexual Offences Act 2013  
The Women's Act 2010  
Tourism Offences Act 2003  
Trafficking in Persons Act 2007

## I. Process for the preparation of the report

1. The Inter-ministerial Taskforce on Treaty Body Reporting prepared this report under the guidance and supervision of the Ministry of Justice. A drafting team undertook the task of preparing the report after conducting extensive consultations with stakeholders in relevant Ministries and Institutions to obtain information on progress made since the last cycle.
2. A three day consultative workshop was organized by the Ministry of Justice in March 2019 in collaboration with the Commonwealth Secretariat, where members of the Inter-ministerial taskforce, civil societies organizations (CSOs) and other partners were trained on reporting under the UPR and treaty bodies and in addition, the CWO reviewed and provided comments on the zero draft of the Report.
3. A validation workshop was held on 30 July 2019 wherein the second draft report was presented again to participants from both the Government and CSOs for consideration. Their contributions, suggestions and recommendations made therein were taken into account in developing the final report for submission to the Human Rights Council.

## II. Implementation of recommendations from the previous cycle

### A. Acceptance of international norms

#### Recommendations

109.1, 109.8, 109.40, 109.39, 109.22, 109.23, 109.27, 109.28, 109.2, 109.9, 109.10, 109.11, 109.12, 109.13, 109.14, 109.15, 109.16, 109.17, 109.18, 109.19, 109.20, 109.21, 109.31, 109.32, 109.33, 109.34, 109.35, 109.36, 109.37, 109.29, 109.30, 109.3, 109.4, 109.5, 109.6, 109.7, 109.24, 109.25, 109.26.

#### Status of implementation

4. Although this is yet to be fully implemented, the Government has been reviewing international human rights treaties with the view to signing and ratifying them. Nevertheless, during the period under review, the following instruments have been signed and ratified by the Gambia:

(a) the UN Treaty on the Prohibition of Nuclear Weapons, signed on 20 September 2017 and ratified it on 26 September 2018;

(b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), signed in 2017 and ratified in 2018;

(c) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) signed in 2017 and ratified in 2018;

(d) International Convention for the Protection of All Persons from Enforced Disappearance (CED) signed in 2017 and ratified in 2018;

(e) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty signed in 2017 and ratified in 2018; and

(f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was ratified in April 2008.

#### Recommendation

109.38.

### **Status of implementation**

5. This is fully implemented as the Gambia signed the Rome Statute on 7<sup>th</sup> December 1998 and ratified it on 28 June 2002. However, the former regime withdrew the membership of the country to the Rome Statute in 2015, which decision has since been reversed by the new dispensation in 2017.

6. Currently, Constitutional and legislative review processes are ongoing, which will take into consideration the provisions of the Statute. Additionally, the Government has started the process of domesticating the Statute through the adoption of an International Crimes Act.

### **Recommendations**

109.107, 109.108, 109.109, 109.101, 109.102, 109.103, 109.104, 109.105, 109.106.

### **Status of implementation**

7. This is fully implemented as the Government of the Gambia recently ratified the second Optional Protocol to the ICCPR. As part of its efforts to abolish the death penalty, the Government of the Gambia has also commuted all death sentences to life imprisonment and there is a moratorium on the application of the death penalty.

8. Furthermore, a Constitutional Review Commission has been established with the mandate to review and draft a new constitution, which will be voted on by the Gambian people through a referendum. Amongst the List of Issues of the CRC is the abolition of the death penalty.

## **B. Cooperation with treaty bodies**

### **Recommendations**

109.88, 109.90, 109.89.

### **Status of implementation**

9. As a State party to various international, regional and sub-regional treaties, the Gambia is aware of its obligation to submit periodic reports on the level of implementation of such treaties, especially human rights treaties. The new democratic dispensation has inherited monumental challenges and setbacks in the respect for the rule of law, violations and abuses of fundamental human rights and an unbalanced system of government.

10. The past two decades (1994–2016) witnessed the weakening of state institutions charged with the administration of justice, human rights and respect for the rule of law.

11. It is therefore against this backdrop that the new dispensation in 2017 embraced a reform agenda that will cater for our collective developmental aspiration as a nation, in order to correct the wrongs committed in the past twenty-two years, through institutional and legal reforms for national development as contained in the National Development Plan 2018-2021. This reform agenda is anchored on a number of pillars, one of which is addressing the backlog of state reports to treaty bodies.

12. The Government of the Gambia's renewed sense of determination to clear all backlog of reports and to be consistent in its reporting obligation is part of its commitment to renew confidence and strengthen international cooperation.

13. Since 2017, various steps have been taken to address the backlog of State Reports to treaty bodies and the first among them was the inauguration of the Inter-Ministerial Task force on Treaty Body Reporting comprising of various institutions. The taskforce under the supervision of the Ministry of Justice is responsible for the preparation of reports for submission to treaty bodies.

14. Since its inception in 2017, the members of the taskforce have undergone a series of trainings with support from the Office of the High Commissioner for Human Rights in

West Africa, Center for Human Rights, University of Pretoria in South Africa and from the Commonwealth Office in the United Kingdom.

15. Consequently, the Gambia as a State Party to the International Covenant on Civil and Political Rights (ICCPR) finally fulfilled its reporting obligation under the Covenant after a 33-year delay, on the 6 July 2018.

16. In August 2018, the Gambia also submitted a combined report covering the period between 1994 and 2017 to the African Commission on Human and Peoples' Rights.

17. As part of the priority targets outlined in the NDP, efforts are being made by the inter-ministerial taskforce to prepare and submit all outstanding reports to treaty bodies before 2021. These include the reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the African Committee of Experts on the Rights and Welfare of the Child, and the Committee on the Elimination of Racial Discrimination, for submission by 2020.

## **C. Cooperation with special procedures**

### **Recommendations**

109.91, 109.92, 109.93, 109.94, 109.95.

### **Status of implementation**

18. During the period under review, the Gambia has extended numerous invitations to various human rights mandate holders.

19. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited the country in November 2014. However, limitations on access to the prisons by the former government led to the abortion of the visit.

20. In 2017, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Working Group on Enforced or Involuntary Disappearances both conducted a visit the Gambia and were granted access to all prisons and detention centres.

21. Additionally, Ms Maud De Boer Buquicchio, Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and any other child sexual abuse material has been invited to visit the country in October 2019.

22. Furthermore, another invitation has been extended to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to visit the country in November 2019.

## **D. Cooperation with international mechanisms and institutions**

### **Recommendations**

109.170, 109.171.

### **Status of implementation**

23. Through the Gambia Commission for Refugees, the Government over the years has sought and received assistance from the United Nations High Commissioner for Refugees and the Agency has an office in the country. Additionally, UNHCR provides professional guidance to the GCR on protection of refugees, and on behalf of GCR, the organization provides financial support to refugees in the country.

24. Furthermore, UNHCR partners with Gambia Food and Nutrition Agency (GAFNA) for the latter to assist refugees with different types of agricultural support and improve their standards of living.

25. The Government in the past has welcomed persons fleeing persecution, civil upheaval and conflict from southern Senegal, Liberia, and Sierra Leone. The Government through a refugee host community leadership program, assists refugees to integrate locally in the Gambia by providing them with land to build their homes and to farm on. Furthermore, the United Nations High Commission for Refugees facilitates the local integration of refugees through various livelihoods support.

**Recommendation**

109.141.

**Status of implementation**

26. The new Government of the Gambia has committed itself to upholding freedom of expression. As part of measures to reform the criminal and media laws of the country, a National Media Law Review Committee has been constituted under the auspices of the Ministry of Information and Communication Infrastructure to review all existing media laws that are inimical to freedom of expression. A parallel criminal justice reform exercise has also been instituted to review all criminal laws in the Gambia to bring it in line with international best practices.

27. Notwithstanding the remarkable progress in the area of freedom of expression, the Government has also embarked on media law reform currently ongoing in collaboration with international partners to adopt international best practices in media regulation, and to remove the draconian laws promulgated by the previous administration and replace them with new laws that facilitate the exercise of the right to freedom of expression. A Freedom of Information Bill has already been drafted and may soon be enacted to ease public's access to information.

**Recommendation**

109.134.

**Status of implementation**

28. The State has fully complied with the ECOWAS judgments in the cases involving Deyda Hydara, Chief Ebrima Manneh, Fatou Camara, Fatou Jow Manneh, Lamin Fatty and Alajie Jobe. Negotiations are currently ongoing in the case of Musa Saidykhan.

29. Furthermore, the Truth, Reconciliation and Reparations Commission is mandated to investigate all human rights abuses that occurred between July 1994 and January 2017.

## **E. Inter-state cooperation and development assistance**

**Recommendation**

109.158.

**Status of implementation**

30. The Government through its engagement with development partners is making all efforts to make sure that life-saving treatment/drugs are provided to the people in need of such services.

31. The Global Fund is intervening in the three disease areas (TB, malaria and HIV and AIDS); UNICEF is supporting maternal and child health services; WHO is providing technical assistance and support to strengthen the health system; UNFPA also supports maternal and child health services, especially in the areas of reproductive health commodity security and family planning services; the World Bank provides assistance on maternal and child nutrition and health services. Most of these services are provided free of charge nationwide.

**Recommendation**

109.127.

**Status of implementation**

32. With the return of the Gambia to the Commonwealth, the Judiciary has requested judicial officials on technical assistance from the Commonwealth Secretariat and Nigerian Government.

33. The Government of Nigeria has provided four High Court Judges to the Gambian Judiciary through the technical assistance program.

**F. Constitutional and legislative framework****Recommendations**

109.41, 109.42.

**Status of implementation**

34. As part of the transitional process, there is currently an ongoing review of the 1997 Constitution. A legislative reform process is also being implemented to review the laws in line with international best practices and obligations.

35. In particular, the following laws are currently under review:

- (a) The Criminal Code and Criminal Procedure Code;
- (b) Information and Communications Act;
- (c) Prison Act;
- (d) Police Act;
- (e) Elections Act;
- (f) Lunatics Act;
- (g) Anti-Corruption Act;
- (h) Children's Act;
- (i) Labour Act.

**Recommendations**

109.55, 109.56, 109.49, 109.50, 109.51, 109.52, 109.58, 109.53, 109.97, 109.100.

**Status of implementation**

36. LGBTQ is not largely accepted in the Gambia and the Government does not plan to decriminalise it.

37. This is partially implemented by the Government of the Gambia. However, through the transitional justice process, all repressive and discriminatory laws will be reviewed and repealed, thereby creating an enabling environment for human right defenders.

38. In addition to this, a National Human Rights Commission (NHRC) has been established to promote and protect human rights of all persons, which includes human rights defenders in the Gambia. The Commission's protective mandate includes the power to monitor, receive and investigate any human rights violation in the Gambia by both State and non-State actors.

**Recommendations**

109.96, 109.66.

**Status of implementation**

39. The Gambia has taken numerous measures to improve women's status in the political, economic and social life of the country. A specialised Government department called the Women's Bureau has been set up since 1980 tasked with the responsibility of advising the Government on the well-being of women and girls. Since the beginning of 2019, a new Ministry of Women, Children and Social Welfare has been created.

40. Section 28 of the Constitution also provides for the right to equal treatment with men, including equal opportunities in political, economic and social activities. Section 33 of the Constitution also prohibits discrimination, inter alia, on the basis of gender.

41. The Women's Act 2010, which is dedicated to the advancement of the rights and welfare of women, contains salient provisions on the right to dignity, access to justice and equal protection before the law, right to moveable and immoveable property, right to freedom of expression, protection from violence, prohibition of discrimination, right to health and health care services, the rights of women in rural communities, right to marry, special protection of elderly women, women with disabilities and women in distress.

42. In addition to the Constitutional and legislative measures, the Gambia adopted the National Policy for the Advancement of Gambian Women 2010-2020 which focuses on gender as a development concept and the participation of women and men in an equal and equitable manner for economic, political and social development of the Gambia. Furthermore, one of the policy's guiding principles is to take affirmative action to redress historical and traditional forms of discrimination against women and girls in political, education, economic and other social spheres.

43. Furthermore, Gambian women are exposed to sensitization and awareness raising programmes being conducted by relevant stakeholders, including the newly created Ministry of Women, Children and Social Welfare, the Ministry of Justice, the Ministry of Health and civil society organisations, including Female Lawyers Association, Think Young Women, Network Against Gender Based Violence, West Africa Network for Peacebuilding (WANEP), Gambia Committee on Traditional Practices (GamcoTrap), Forum for African Women Educationalists (FAWEGAM), amongst others.

44. These nationwide sensitization activities on the international and national legislative framework (the Constitution, Women's Act, the Children's Act, the Domestic Violence Act, Sexual Violence Act, Tourism Offences Act, District Tribunals Act, etc.) targets women groups, youth, District Tribunal Members, law enforcement officials, students, and women Councilors.

45. The Government does not currently have a minimum legal wage. However the Ministry responsible for employment in collaboration with the Gambia Chamber of Commerce has initiated efforts to come up with a minimum wage.

**Recommendations**

109.54, 109.57.

**Status of implementation**

46. The Criminal Code is currently undergoing a holistic review and it is envisaged that upon its completion, all discriminatory provisions will be repealed.

47. In addition to this, UN Women in July 2019 supported the Government to review all gender discriminatory laws in the Gambia with a view to amending them.

**Recommendations**

109.58, 109.60, 109.61, 109.63, 109.64, 109.146, 109.59, 109.62.

**Status of implementation**

48. The Information and Communications Act and the Criminal Code are all being reviewed.

49. In 2017, a tripartite MOU was signed between the Ministry of Justice, Ministry of Information and Communications Infrastructure and Article 19 to review all media laws with the view to bringing media laws in line with international best practices. In 2018, the Media Law Review Committee established under this MOU completed the review of all media laws and submitted its report for consideration of its recommendations. Since then, a Freedom of Information Bill has been drafted and additionally, the Information and Communications Act will be reviewed with a view to amending it.

#### **Recommendations**

109.65, 109.137, 109.138, 109.139.

#### **Status of implementation**

50. The Government of the Gambia in 2016 amended the Children's Act of 2005 criminalizing child marriage and child betrothal<sup>1</sup>.

51. Since the enactment of the law, the Government and civil society have engaged in countrywide sensitization missions to popularize the law amongst the general public and law enforcement officials. However, whilst the State recognizes that enforcement remains a challenge due to the deep rooted nature of this practice, it will continue to conduct training of law enforcement officials, sensitisation through the media and at the grass root level to encourage reporting of such cases to the police.

#### **Recommendations**

109.43, 109.44, 109.45, 109.46, 109.47, 109.113, 109.118, 109.83, 109.114, 109.115, 109.116, 109.117, 109.119, 109.120.

#### **Status of implementation**

52. In 2015, the amendment to the Women's Act of 2010 criminalizes the practice of FGM/C in all its forms. The law also seeks to give effect to the Constitutional protection of women and children not to be subjected to practices that are harmful to their health and wellbeing.

53. Since the enactment of the law, a number of capacity building programs for judicial officials, law enforcement officials, health practitioners and the general public have been carried out to enhance understanding of the law.

#### **Recommendation**

109.48.

#### **Status of implementation**

54. The State enacted the Domestic Violence Act in 2013 which criminalizes domestic violence in all its forms: sexual, physical, psychological and economic violence. The Act also creates a Domestic Violence Support Fund to support the victims of domestic violence and it is in the process of being finalised. The purpose of this Support Fund is to, inter alia, ensure the provision of basic material support to victims of domestic violence, training victims and families, and care and support of victims of domestic violence and the construction of shelters for victims of domestic violence in all regions in the country.

#### **Recommendations**

109.67, 109.68.

#### **Status of implementation**

55. There is a draft Disability Bill which is geared towards providing protection for persons with disabilities.

56. The Government has developed a Disability Advocacy Strategy to integrate the interests of persons with disabilities in the country's development agenda.

57. Furthermore, the Department of Social Welfare has devised a mechanism for addressing some of the concerns of PWDs, in collaboration with the Gambia Federation of the Disabled – Disability Employment Services. It has established a Disability Advocacy Strategy and engaged in Media Campaigns for sensitization (community radio programmes, television talk shows and newspaper articles). Furthermore, it has produced a documentary on PWDs in active and productive ventures for advocacy purposes. Persons with disabilities are employed in both the public and private sectors. The Government, through the Department of Social Welfare, has also engaged in disability and equality training and this has been conducted for 12 training institutions and some employers.

58. Countrywide disability outreach services were provided for children with disabilities (CWD) on the occasion of the launching of the State of the World's Children Report 2013 in collaboration with UNICEF, thereby reaching 365 children across the country.

59. The Government has been networking with about 13 partner institutions to encourage them to embrace disability and include PWDs in their programmes and activities. Technical aids and appliances, home visits, counselling and basic psycho-social therapy are also provided.

60. There is an increasing number of persons with disabilities who are obtaining basic psycho-social therapy. At the Department of Social Welfare, there are currently 450 persons, in addition to the already registered 5686 PWDs.

- The Department of Social Welfare has also provided 450 disabled persons with mobility aids (artificial limbs, shoes, walking sticks).
- The Government has established a Steering Committee for the management and supervision of Integrated Educational Programmes in mainstreaming children with visual impairment across the regions and this is ongoing.
- There is also a Joint Advocacy Programme by key stakeholders on inclusive education for children with disabilities and another on Early Childhood Development Programmes.
- Strategic plans on disability are included in the National Development Programme 2018-2021.

## **G. Institutions and policies**

### **Recommendations**

109.69, 109.70, 109.71, 109.72, 109.73, 109.74, 109.75, 109.76, 109.77, 109.78, 109.79, 109.85, 109.87.

### **Status of implementation**

61. In December 2017, in line with the Paris Principles, a National Human Rights Commission Act was enacted by the National Assembly. The Commissioners have since been appointed and the Secretariat of the Commission is now fully functional. The present Government has committed itself to the full realization of the fundamental human rights of all persons in the Gambia. To this end, the Government is undertaking key constitutional and legal reforms to bring our laws in harmony with our international obligations.

### **Recommendations**

109.129, 109.128, 109.130, 109.131, 109.136, 109.132.

### **Status of implementation**

62. In the past, the existing legal framework clearly provided for the independence of the Judiciary, but in practice there has been reported cases of interference from the executive branch of the Government prior to 2017. There was no security of tenure for Judicial Officers as they could be fired without adherence to due process. The Judges Bill is currently under review to ensure it in line with best practices.

63. However, since 2017, the Judiciary of the Gambia has undergone several structural and administrative reforms to enhance the dispensation of justice. This began with the appointment of several Gambian Judges. From January 2017 to date, the capacity of the Judiciary has been greatly enhanced with the appointment of 12 Justices of the High Court, Court of Appeal and Supreme Court. Fundamentally, the appointment of 5 Justices in the Supreme Court has made the court functional after a three-year hiatus due to lack of quorum.

64. The Chief Justice has instituted a numerous of measures to ensure the independence and impartiality of the judiciary such as:

(a) the reconstitution of the Judicial Service Commission and the restoration of their Constitutional powers in relation to the appointment of Judicial officers, their disciplinary control and removal;

(b) the appointment of Judicial officials on pension, instead of the contract appointments that were the order of the day previously;

(c) the exercise of budgetary autonomy;

(d) the abolition of the system of contract judges;

(e) the upgrade of the incentives and terms and conditions for Judicial Officials to attract more Gambian legal experts to the Bench;

(f) the establishment of a Communication Unit to provide access to information and raise awareness about the Judiciary and what it offers to the public;

(g) the establishment of additional courts in the region, such as the Children's Court in Brikama and Basse;

(h) the establishment of three new Cadi (Sharia) Courts to increase access to those courts and to reduce the backlog of cases.

### **Recommendations**

109.86, 109.80.

### **Status of implementation**

65. Section 33 of the Constitution of the Gambia provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. The Government has taken numerous measures to promote non-discrimination and equal treatment for all inclusive of vulnerable persons; including persons with disabilities, women, and children.

66. The Gambia adopted the National Policy for the Advancement of Gambian Women 2010-2020 which focuses on gender as a development concept and the participation of women and men in an equal and equitable manner for economic, political and social development of the Gambia. Furthermore, one of the policy's guiding principles is to take affirmative action to redress historical and traditional forms of discrimination against women and girls in political, education, economic and other social spheres.

### **Recommendations**

109.151, 109.153.

### **Status of implementation**

67. The Government of the Gambia has recently embarked on strengthening planning across the country. Development Planners have been recruited for all the sectors and training programmes on Project Planning and Results Based Management were conducted to enhance the capacity of Development Planners for the effective implementation of National Development Programmes. Accordingly, Regional Development Plans have been developed for 6 regions. The process of rolling out the Integrated Financial Management System to all regions is ongoing.

68. The implementation of the Programme for Accelerated Growth and Employment was completed in 2016. An end of program review revealed key challenges including inadequate resources to fully implement the plan, weak monitoring and evaluation system and capacity and weak alignment of the programmes/ project to the national budget. The findings and recommendation from the review had informed the development of the new National Development Plan 2018-2021. This plan has identified intervention towards eradication of extreme poverty and hunger. It has gained wide recognition by policy makers and development partners.

### **Recommendation**

109.149.

### **Status of implementation**

69. Since the change of the Government, several policy reforms have been undertaken to improve the country's economy. These reforms are geared towards improving fiscal management, which has led to reduction in domestic borrowing, reduced interest rates and more resources accessible for the private sector.

70. Several initiatives have also been launched to increase employment and generally improve the living standards of its people. Some of these initiatives are Youth Empowerment Project (YEP); Make it in the Gambia Project (Tekki fii); Children on the Move Project; and She Trades Initiative. All these projects aim to improve economic development by promoting attractive employment and income opportunities particularly for women, children and youth. These initiatives seek to also control irregular immigration.

71. In 2017, with funding support of the EU, the Government launched the Gambia Youth Empowerment Project (YEP) which seeks to address the economic root causes of irregular migration by supporting youth employment and entrepreneurship. The project takes a market-led approach to improving the skills and employability of potential and returning migrants according to demands of the job market and simultaneously creating employment opportunities along Gambian value chains.

### **Recommendations**

109.154, 109.155.

### **Status of implementation**

72. In January 2019, the Government established a Ministry of Women, Children, and Social Welfare. A Social Protection Secretariat has been set up, and a National Social Protection Policy (2015 – 2025) has been developed. The process of creating a Gender budget code has also commenced. The Gambia National Social Registry will soon be launched and it will aid in the mapping and identification of vulnerable individuals and groups countrywide for a social protection support scheme.

73. A broad range of social protection policy measures is available to address the multidimensional nature of poverty, risks and vulnerabilities affecting people. The National Social Protection Policy (NSPP) advocates a social protection system comprised of four components: protective, preventative, promotional and transformative with a broad categorization of social protection measures across these four components.

### **Policy development process**

74. As part of the preliminary process, it has already been agreed that the following groups would be considered as possible beneficiaries under the Gambia's social protection programs:

- Extremely poor individuals and households;
- Vulnerable children;
- Elderly;

- People with disabilities;
- Chronically ill;
- Individuals and families affected by HIV;
- Vulnerable women and youth;
- Refugees and migrants;
- Prison inmates and their families.

*Current levels of social protection spending*

75. Research has shown that Government social protection and overall expenditure on the social sector is not easy to identify as financing of social protection is not centralized under one budget line. It is allocated in the budget lines of the implementing agencies. Therefore, these figures are likely to be minimal amounts as there are likely to be social protection elements in the budget document that have not been able to be identified<sup>2</sup>.

<i>Chart of Accounts</i>	<i>Activity</i>	<i>Monetary Value</i>
212	Social Insurance Contributions	4,697,000
271	Social Security Benefits	100,343,000
282102	Open Scholarships	32,100,000
282	Other	13,500,000
232142	Wells, Waterholes	46,537,000
	School Feeding Program (2015)	11,000,000
1605	Community Development Services	14,843,000
22213	Employment Promotion	500,000
2703	Skills Centres	1,466,000
2143	Directorate of Social Welfare	4,738,000
Total		229,724,000

*Program Beneficiaries of the Social Protection*

76. The following table identifies groups of society who benefit from the current social sector programs.

<i>Category</i>	<i>Standard Health Care</i>	<i>Additional Health Care</i>	<i>Maternity Leave</i>	<i>Paid Sick Leave</i>	<i>Schooling</i>	<i>Educational Assistance</i>	<i>Injury at work</i>
Employed Persons	Yes	Some	Yes	Yes	Yes	Many	Yes
Informal Sector	Yes	No	No	No	Yes	Many	No
Unemployed	Yes	No	No	No	Yes	Many	No
Disabled	Yes	No	No	No	Yes	Perhaps	No
Those impacted by HIV/AIDS	Yes	Some	No	No	Yes	Perhaps	No
Extremely poor individuals and households	Yes	No	No	No	Yes	Perhaps	No
Vulnerable children	Yes	No	No	No	Yes	Perhaps	No
Elderly	Yes	No	No	No	Yes	N/A	No
Chronically ill	Yes	Some	No	No	Yes	Unlikely	No

<i>Category</i>	<i>Standard Health Care</i>	<i>Additional Health Care</i>	<i>Maternity Leave</i>	<i>Paid Sick Leave</i>	<i>Schooling</i>	<i>Educational Assistance</i>	<i>Injury at work</i>
Vulnerable women and youth	Yes	Some	No	No	Yes	Perhaps	No
Refugees and migrants	Perhaps	Perhaps	No	No	Perhaps	Perhaps	No
Prison inmates and their families	Yes	Some	No	No	Yes	Probably	No

### **Recommendations**

109.157, 109.159.

### **Status of implementation**

77. Currently, implementation of the National Health Policy Framework (NHPF) 2012-2020 is ongoing.

78. The Policy seeks to ‘promote equity (both gender and territorial) in access and affordability of quality health services, maintain ethics and standards, promote health system reforms and improve staff retention and client satisfaction.’ Other health sector policies currently being implemented include the National Reproductive Health Policy, National HIV/AIDS Policy, the National Nutrition Policy and the National Population Policy and Plan of Action.

79. Provision of primary and secondary health care has expanded significantly with increased immunization, thus reducing mortality rates. Works to improve physical access continues with the upgrading and building of new facilities, staffed with qualified health personnel. This has increased geographical coverage and reduced the distance to the nearest health facility. The 2007 PRSP Progress Report indicated that over 85% and 97% of the population are within 3 km and 5 km of a basic health facility and primary health care post respectively. Antenatal care coverage countrywide is as high as 96% as well as the Reproductive and Child Health (RCH) awareness at 96%.<sup>3</sup>

80. The cost of public health care services remains relatively cheap, as Reproductive and Child Health Services including family planning are provided free of charge. A minimum user charge fee of D25.00 (US\$0.50) is paid for outpatient consultations and treatment at all public health facilities. Micronutrient deficiencies, which are a major cause of morbidity and mortality, are being addressed through a nutrition supplementation programme. Insecticide treated bed-nets are provided free of charge particularly to pregnant and lactating mothers and children under 5 and IPT.

81. Despite Government efforts to make health care and services free, accessible, available and of quality, limited financial and human resources continues to affect the provision of quality service delivery.

### **Recommendation**

109.160.

### **Status of implementation**

82. There are seventy-three (73) health facilities in the eight (8) administrative areas of the country out of which four (4) are General Hospitals built by government (see annexed list).

### **Recommendation**

109.161.

**Status of implementation**

83. The Government of the Gambia accords high importance to implementing measures to effectively address health challenges faced by the populace, particularly as it pertains to malaria, HIV, tuberculosis and other related infectious diseases.

84. According to the Demographic and Health Survey (DHS) 2018, the maternal mortality rate is 590 per 100,000 live births. The same report puts the under 5 mortality rate for the same period at 54 per 1,000 live births.

85. The implementation of the National Health Policy Framework (NHPF) 2002-2020 is ongoing. The policy seeks to ‘promote equity (both gender and territorial) in access and affordability of quality health services, maintain ethics and standards, promote health system reforms and improve staff retention and client satisfaction.’ Other health sector policies under implementation include the National Reproductive Health Policy (2017–2026), National HIV and AIDS Policy (2014-2020), the National Nutrition Policy (2018–2025) and the National Population Policy and Plan of Action (2007–2017(overdue for review)).

86. Provision of primary and secondary health care has expanded significantly with increased immunization reducing mortality rates. Works to improve physical access continues with the upgrading and building of new facilities, staffed with qualified health personnel. This has increased geographical coverage and reduced the distance to the nearest health facility.

**Recommendation**

109.162.

**Status of implementation**

87. In a bid to reduce the prevalence of HIV/AIDS, the Government of the Gambia has adopted a National HIV and AIDS Policy (2014–2020) entitled “Policies and Guidelines on HIV and AIDs, which was followed by the development of a National Strategic Plan (2015–2020) focusing on prevention through education. The main purpose of the 2014–2020 policy document remains the same in addition to providing universal access to high standards of prevention, treatment, care and support services to affected persons in a conducive environment.

88. Additionally, the Government has engaged in a number of sensitization drives to promote abstinence, condom use and advocate for faithfulness in relationships. Sensitization is also conducted to advocate for sexual behavior change and for a reduction in the number of sexual partners.

**Recommendation**

109.84.

**Status of implementation**

89. The Gender and Women Empowerment Policy 2010-2020 was subjected to midterm review and evaluation in 2018. Although the midterm should have been conducted in 2015, financial constraints prevented this. The findings of the review indicated the inclusion of emerging issues, which, for the first time, resulted in the establishment of the Ministry of Women, Children and Social Welfare and the scaling up of the Gender Management Information System (GMIS) that measures progress on the policy implementation with measurable indicators. The Gender Policy Implementation and Monitoring Committee also meet periodically to review sector level of implementation and report on progress, gaps and recommendations.

90. It is expected that the newly established Ministry of Women, Children and Social Welfare will go a long way in addressing weak coordination, capacity and under-resourced national machinery for the advancement of women and girls. The Ministry recognized the

slow progress registered so far in the implementation of the Gender and Women Empowerment Policy 2010-2020.

**Recommendation**

109.81.

**Status of implementation**

91. The Gambia has taken significant steps to advance the empowerment of women through several legislative acts, policies and programmes, as well as vigorous efforts to ensure gender parity in primary education. Nonetheless, the welfare of Gambian women continues to lag significantly behind that of men. The Government is therefore determined to promote gender equity, equality and empowerment of women and girls for sustained socio-economic development. Under the National Development Plan 2018-2021, the Government will enhance gender mainstreaming, capacity development for women entrepreneurs, and the establishment of a fund to improve women's access to finance. In addition, there will be legislative reforms and advocacy for enhanced representation and participation in decision-making, and gender-based programmes to reduce violence. Last but not least, there is a determined effort to do away with harmful traditional practices, such as female genital mutilation (FGM) and early forced marriage through effective implementation of the laws prohibiting such harmful traditional practices.

**Recommendation**

109.121.

**Status of implementation**

92. There is no express provision prohibiting sexual harassment under the Sexual Offences Act 2013. However, Section 6(1) of the Women's Act extends its protection to physical, sexual, psychological and suffering of women. In addition, Section 26 (c) protects women, especially the girls from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices.

93. As already referred to, sensitization campaigns are conducted by the Government and CSOs with the view to eliminating all forms of SGBV. Furthermore, recognizing the need to complete cases of sexual and gender-based violence in a timely manner, the Ministry of Justice has established a Sexual and Gender-Based Violence Unit comprised of police officers, Social Welfare Officers and prosecutors.

94. Additionally, the 'one-stop center' of the Network against Gender-Based Violence seeks to ensure that victims of SGBV are provided with swift and adequate care once a case is reported. It also refers such cases for proper investigation and prosecution and compilation of SGBV data.

**Recommendation**

109.82.

**Status of implementation**

95. The action plan on UNSC Resolution 1325 was adopted in 2012 however no timeframe was stipulated at the time. Also, a Committee to implement and monitor the action plan has been commissioned. However, the MoWCSW is currently reviewing the action plan to update it.

**Recommendations**

109.122, 109.123, 109.124.

### Status of implementation

96. Since the enactment of the Domestic Violence Act 2013, the number of complaints lodged by victims of domestic violence in the Gambia cannot be provided as the data is yet to be compiled.

97. According to the 2013 DHS, 4.6% of people aged 15–59 had experienced sexual violence in the 12 months preceding the report.

98. Data collected by Network against Gender Based Violence illustrates as follow the rate of gender-based violence in the country.

99. See table below:

<i>Year</i>	<i>Data recorded</i>
2014 (Jan.–Dec.)	382
2015 (Jan.–Dec.)	366
2016 (Jan.–Sept.)	403
2017 (Jan.–Sept.)	334
2018 (Jan.–Dec.)	466
Total	1,951

Source: Network Against Gender Based Violence

- (a) 2014 92 sexual violence cases;
- (b) 2015 203 sexual violence cases;
- (c) 2016 153 sexual violence cases;
- (d) 2017 138 sexual violence cases;
- (e) 2018 301 sexual violence cases;
- (f) A total number of 887 reported cases of sexual violence between 2014-2018;
- (g) 2018 89 Economic violence cases reported;
- (h) 2018 33 Psychological violence cases reported;
- (i) 2018 42 Physical violence cases reported.

100. The Domestic Violence Act provides for compensation to be provided to victims of domestic violence but it is yet to come into effect.

101. No temporary restraining orders have been issued.

102. Currently, the Shelter for the Elderly and Children in Bakoteh is the only place available providing shelter for victims of such forms of violence. However, the Domestic Violence Act provides for protection orders to be given to victims of domestic violence, allowing them to remain in their place of residence without the perpetrator.

103. It must be noted that the enforcement of the Domestic Violence and Sexual Offences Acts is particularly challenging for law enforcement agencies. Due to deep rooted cultural practices among some communities, such cases are mostly unreported. Even where such cases are reported, prosecution of such cases become challenging due to the unwillingness of some families to subject themselves to the court process due to family and societal pressures. Notwithstanding, a number of sensitisation and awareness raising initiatives have been undertaken by the Governmental and non-governmental organisations. The Ministry of Justice in collaboration with UNICEF has conducted a series of nationwide trainings for law enforcement officials on the handling of female victims of violence under the Domestic Violence Act 2013 and the Sexual Offences Act 2013.

104. Furthermore, the creation of a Sexual and Gender Based Unit at the Ministry of Justice seeks to further strengthen the fight against these forms of violence against women and girls.

### **Recommendations**

109.67, 109. 68.

#### **Status of implementation**

105. There is a draft Disability Bill awaiting cabinet approval, which seeks to protect the rights of persons with disabilities and address issues of equality and non-discrimination of disabled persons as well as ensure their inclusion in political and public life, amongst others.

106. The Government has been networking with about 13 partner institutions to encourage them to embrace disability and include PWDs in their programmes and activities. Technical aids and appliances, home visits, counselling and basic psycho-social therapy are also provided.

107. There is an increasing number of persons with disabilities who are obtaining basic psycho-social therapy. At the Department of Social Welfare, there are currently 1130 new persons in addition to the registered 5686 PWDs:

- The Department of Social Welfare has also provided 1130 disabled persons with technical aids and appliances.
- The Government has established a Steering Committee for the management and supervision of Integrated Educational Programmes in mainstreaming children with visual impairment across the regions and this is ongoing.
- There is also a Joint Advocacy Programme by key stakeholders on inclusive education for children with disabilities and another on Early Childhood Development Programmes.
- The National Social Protection Policy 2015-2025 and Social Protection Implementation Plan 2015-2020 have catered for PWDs in the National Development Programme 2018-2021.

### **Recommendation**

109.125.

#### **Status of implementation**

108. Children between the age of 12 and 16 years are allowed to engage in light work during the day time, which is defined by the Children's Act 2005 as work which "is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or capacity of the child to benefit from school work."

109. DSW has conducted series of outreach activities and sensitization on the harms of child labour. Along with this, DSW engages in identification of children engaged in child labour and return them to their communities and reintegrate them.

110. The enforcement of the law, however, remains a challenge due to several factors, including economic, social and cultural practices and poverty. Notwithstanding, the Ministry of Women, Children and Social Welfare has plans to initiate outreach activities targeting children living in poverty and unaccompanied children from the sub-region around the Tourism Development Area, market places and car parks engaged in petty trading or in the transportation system. In the past, such children would be taken to the drop-in centres for counselling and educational support. However, this is no longer operational. Notwithstanding, the family strengthening program for the disadvantaged is continuing with parents or guardians provided with support to take care of their basic needs.

## **H. Right to physical and moral integrity**

### **Recommendation**

109.143.

**Status of implementation**

111. Since 2017, there have been no reported cases of harassment and intimidation of human rights defenders in the Gambia.

**I. Prohibition of torture and cruel, inhuman or degrading treatment****Recommendation**

109.110.

**Status of implementation**

112. The new Government takes all allegations of torture very seriously. The Government employs a series of measures proportionate to allegations of torture such as disciplinary proceedings and criminal prosecution:

- In 2018, a National Human Rights Commission was established in the Gambia in full compliance with the Paris Principles, with the broad mandate to protect human rights in the Gambia, including torture and ill treatment in places of detention.
- In a bid to address past human rights violations, the Truth Reconciliation and Reparations Commission is charged with the mandate to receive, investigate and recommend appropriate action on the past human rights violations, including torture and ill treatment.

113. With the ratification of the Convention against Torture, the training modules for security services are in the process of being reviewed to incorporate procedures to document torture. As part of this process, the first targeted training on the Convention Against Torture for Law Enforcement Officials and Prosecutors was conducted by the Government in collaboration with the Convention against Torture Initiative (CTI) in October 2018.

114. Furthermore, as we review our criminal laws to criminalize torture and domesticate the CAT, mechanisms to prevent acts of torture from occurring will be established.

**J. Conditions of detention****Recommendations**

109.111, 109.112.

**Status of implementation**

- The Prisons Act, Criminal Code and Criminal Procedure Codes are under review to align them with best practices.
- There is a plan to relocate Mile II prison Central Prison from its present location to Jambur, Kombo South, West Coast Region of the Gambia.
- A skills training centre has been established at the Mile 2 prisons where electrical installation, sewing, information technology and carpentry courses are taught.
- There is a library for prisoners at Mile II Prisons and Janjanbureh.
- Recreational facilities such as volleyball and football areas are available to prisoners at Mile II and Janjanbureh prison, enabling prisoners engage in leisure activities.
- A prison visiting committee under the auspices of the Ministry of Interior has been constituted and, amongst others, monitors the feeding, health and sanitation facilities at the prisons.
- All prisoners are entitled to three meals daily.
- There is a system for isolation of persons with communicable diseases.

- There is a clinic facility and a nurse within the prison for the treatment of minor ailments of prisoners.

115. Despite the above measures to improve conditions, the Government acknowledges that more needs to be done to effectively address conditions in places of detention.

## **K. Prohibition of slavery and trafficking**

### **Recommendation**

109.126.

### **Status of implementation**

116. The Government through NAATIP collaborated with international organisations such as IOM to aid the repatriation of alleged victims of human trafficking from Lebanon through the International Organisation of Migration PAVE Beirut.

117. NAATIP also collaborated with ILO to conduct a series of trainings for stakeholders including law enforcement officers, CSOs and NGOs on forced labour, child labour and child trafficking.

118. In addition, NAATIP has also partnered with ILO, ICMPD and IOM for the year under review to combat trafficking in persons.

## **L. Freedom of opinion and expression**

### **Recommendation**

109.148.

### **Status of implementation**

119. The TRRC has been mandated to investigate past human rights violations including the death of Deyda Hydera and Chief Ebrima Manneh and it has made a lot of headway in revealing the circumstances of their deaths through the witness hearings.

### **Recommendations**

109.145, 109.133, 109.140.

### **Status of implementation**

120. The Government of the Gambia has affirmed its commitment to the protection of all persons in the country, including journalists. Accordingly, since 2017, only a couple of isolated attacks have been reported against journalists or media practitioners by private individuals, one of which is before the courts, and another incident involving militants of the former ruling APRC against journalists of the State Broadcaster was amicably resolved.

121. Following the Faraba Bantang incident, a Commission of Inquiry was established to investigate the loss of lives and causes of incident. The Commission has submitted its report for consideration by the Government.

### **Recommendations**

109.147, 109.142.

### **Status of implementation**

122. The 2019 World Press Freedom Index compiled by Reporters Without Borders ranked the Gambia 9<sup>th</sup> in Africa and 92<sup>nd</sup> out of 180 countries in the world for 2018, a jump of 30 spots in stark contrast with our ranking of the previous year. This follows other similar recognition of the Gambia's steady but gradual progress in the area of freedom of

expression as shown in the annual press freedom index of 2018 in which we were ranked 122 out of 180 countries compared to 145 in 2016 and 143 in 2017.

123. Within the past two years, there has been a proliferation of private radio stations and newspapers, private television stations<sup>4</sup> and a host of political discussion programs in which members of the public are encouraged to call in to express their views on Government policies and programs. Moreover, the Government has now lifted the Education Tax levy on media houses and championed the establishment of independent Media Council of the Gambia (MCG) under the auspices of the Gambia Press Union.

#### **Recommendation**

109.135.

#### **Status of implementation**

124. The ongoing TRRC has been mandated to investigate all cases of past human rights violations including the disappearance of Alhaji Ceesay and Ebrima Jobe and there have been revelations at the TRRC about the circumstances of their death.

### **M. Right to education**

#### **Recommendations**

109.163, 109.166, 109.167.

#### **Status of implementation**

125. The right to education is provided for under Section 30 of the 1997 Constitution. It provides for free and compulsory basic education for all Gambian citizens. It is also directive principles of state policy to ensure basic education for all citizens and provision of adequate resources so that such tuition for basic education shall be free for all citizens. In addition to the constitutional provisions, the Children's Act 2005 also provides for the right to education and an Education Bill has been drafted to provide for the management and development of educational services in the Gambia. Furthermore, to ensure that children enjoy the right to free and compulsory education is also a Government policy as enshrined under the previous education policies and the recent policy 2016-2030. The Government policy is putting more emphasis on mass education through universal basic education programmes to improve literacy levels among Gambians as opposed to education for a few elite.

126. In a bid to implement the legislative and administrative measures adopted to provide free and compulsory basic education and to realize Governments policy of accessible, equitable and inclusive quality education for sustainable development, several grants, schemes and projects have been introduced to assist the Government in providing this basic right.

127. The introduction of the School Improvement Grant (SIG) has been a positive stride towards actualizing the progressive introduction of free education provided for under the Constitution and in education policies. The SIG covers the cost of stationary, books and school uniforms for children from lower basic, upper basic and senior secondary education levels. The Grant is also coupled with the bursary scheme for girls that also provides for uniforms and stationary especially for girls in the rural area. In addition, the READ Project supported by the World Bank through the Ministry of Basic and Secondary Education provides free textbooks for both boys and girls in schools.

128. To further ensure that education is made available for all, a Conditional Cash Transfer Scheme has also been introduced to provide another form of education with minimum curriculum standards to children and youth who attend non-conventional Islamic schools. The Scheme has been introduced in 17 centres countrywide and aims to provide functional literacy and numeracy coupled with life and livelihood skills. These funds are supplemented by regional initiatives and incentives of various types, including special

scholarship packages that cover a wide range of costs from fees, uniforms, and books to mentoring. The Ministry of Education was able to build classrooms throughout the country supported by various donors to improve access to quality education for all Gambians. Additional resources from the Education for All or Fast Track Initiative (EFA/FTI) and Global Partnership for Education (GPE) have also greatly contributed to the provision of additional classrooms and provided the impetus to accelerating access to basic education.

### Recommendations

109.164, 109.165, 109.169.

### Status of implementation

129. Since the last reporting period, in order to promote and safeguard the right to education for all, the Government has constructed more schools with a proximity range of 2 kilometres to provide access to education to every Gambian child.

130. The table below shows the number of schools by type and year.

Number of ECD Centres

<i>School type</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Lower basic school	705	718	758	811
Upper basic school	138	150	163	188
BCS	223	240	236	250
Senior secondary school	145	160	171	189
Total	1,211	1,268	1,328	1,438

131. There has also been a notably significant increase in school enrolment at different education levels since the last reporting period. At the lower basic cycle, the gross enrolment rate increased from 104% in 2016 to 112.7% in 2018. This includes Madrassa (Islamic religious schools) enrolment, which is now officially recognized. During the same period, the gross enrolment rate for girls increased from 89.1% in 2010 to 116.5% in 2018 and for boys from 87.5% in 2010 to 108.9% in 2018.

Gross Enrolment Rate LBE

	<i>M</i>	<i>F</i>	<i>T</i>
2015	99.0%	103.5%	101.2%
2016	101.4%	106.7%	104.0%
2017	105.4%	111.8%	108.6%
2018	108.9%	116.5%	112.7%

132. For upper basic education, the gross enrolment rate increased from 66% in 2004, 66.2% in 2010 to 68.1% in 2013, 68.1% in 2014 and 68.3% in 2015. There has however been a 1.5% decline in school enrolment rate between the year 2015 and 2016 and an increase from 67.4% in 2017 and 68.1% in 2018. It is worth noting that the period between 2010 and 2018 has witnessed a steady increase in the upper basic gross enrolment rate of the girl-child, from 65.6% in 2010 to 71.3% in 2018. There has, on the other hand, been a fluctuation in enrolment of boys in upper basic education from a gross enrolment rate of 66.9% in 2010 to 65.5% in 2011, an increase between 2012 to 2015 to 66.8%, and a slow decline between with 55.9% to 64.8%.

## Gross Enrolment Rate UBE

	<i>M</i>	<i>F</i>	<i>T</i>
2015	68.3%	68.2%	68.3%
2016	65.9%	67.6%	66.8%
2017	65.0%	69.7%	67.4%
2018	64.8%	71.3%	68.1%

## Primary Completion Rate LBE

	<i>M</i>	<i>F</i>	<i>T</i>
2015	72.8%	74.4%	73.6%
2016	74.7%	76.0%	75.4%
2017	77.4%	80.0%	78.7%
2018	79.7%	84.3%	82.1%

133. Furthermore, Secondary School enrolment has improved from 33.9% in 2010 to 47.8% in 2018 with a steady increment in the enrolment of the girl child from 30.6% in 2010, 39.1% in 2013, and 41% in 2014 and to 49.8% in 2018.

## Gross Enrolment Rate SSE

	<i>M</i>	<i>F</i>	<i>T</i>
2015	42.6%	40.5%	41.6%
2016	44.1%	43.9%	44.0%
2017	44.5%	47.1%	45.9%
2018	45.7%	49.8%	47.8%

134. Since the last reporting period, a progressive increase in general enrolment at both the primary and secondary schools was registered between the years 2010 to 2018.

135. This increment is reflective of Government efforts to increase access to education for the girl child and to expose her to better opportunities in life. The Government engages in public sensitization programmes to encourage parents to make educating their female children, in addition to the male a priority. Furthermore, the Gender Training Manual and the Gender Action Pack were reviewed in 2015 to incorporate emerging issues and make teaching and learning in schools more gender responsive.

136. The Gambia has ratified the Convention on the Rights of Persons with Disabilities and has made strides in some areas. There are three recognized specialized schools for persons with disabilities: St. John's School for the deaf, Methodist Special School for children with learning difficulties and GOVI Resource Centre providing an education service for the visually impaired. A number of Government agencies have been addressing the rights of persons with disabilities. These include the Ministry of Basic and Secondary Education, the Social Welfare Department, the Ministry of Youth and Sports, etc.

## N. Right to development – General measures of implementation

### Recommendations

109.150, 109.152.

### Status of implementation

137. Currently, the National Development Plan (NDP) 2018-2021 is the Government's blueprint for national development.

138. The National Development Plan outlines the following eight strategic priorities:

- (a) Restoring good governance, respect for human rights, the rule of law and empowering citizens through decentralization and local governance;
- (b) Stabilizing the economy, stimulating growth, and transforming the economy;
- (c) Modernizing agriculture and fisheries for sustained economic growth, food and nutritional security and poverty reduction;
- (d) Investing in people through improved education and health services, and building a caring society;
- (e) Building infrastructure and restoring energy services to power the economy;
- (f) Promoting an inclusive and culture-centered tourism for sustainable growth;
- (g) Reaping the demographic dividend through an empowered youth; and
- (h) Making the private sector the engine of growth, transformation, and job creation.

139. In terms of food security and agriculture, an Agricultural Council has been formed to guide agricultural planning and policy. In addition, the Government enacted the Food Act 2005, to control the production, manufacture, sale, distribution, importation and exportation of food. Furthermore, the Act established the National Nutrition Agency, whose role is to coordinate all nutrition and related activities in the Gambia, coordinate, investigate all matters pertaining to food safety and control. Other measures include the provision of technical support including opportunities for farmers to access long term loans to develop modern farms and development of science parks to enhance the quality of primary produce.

140. Enhancing social protection by responding to poverty and vulnerability and ensuring a decent standard of living for all Gambians through the reduction of risks and the creation of increased employment opportunities is a national development priority. This is achieved through the execution of policies and programmes designed to reduce poverty and vulnerability by promoting more efficient labour markets and diminishing people's exposure to risk; thus enhancing their capacity to protect themselves against hazards and loss of income.

### **III. New and emerging issues**

#### **A. Truth Reconciliation and Reparations Commission**

141. A Truth Reconciliation and Reparations Commission (TRRC) was set up to investigate all human rights violations that occurred from July 1994 to January 2017. The TRRC is expected to address past human rights violations, causes of impunity, identify and recommend for prosecution of persons who bear the greatest responsibility for human rights violations and abuses and provide reparations to victims of human rights violations. The TRRC consist of eleven commissioners and shall operate for a period of two years with a possibility of extension.

#### **B. Constitutional Review Commission**

142. The mandate of the Constitutional Review Commission (CRC) is to draft a new Constitution of the Gambia. In fulfilling its mandate, the CRC will review the 1997 Constitution and conduct public consultations both at national level and in the diaspora to seek public opinion. The CRC consists of eleven commissioners and shall operate for a period not exceeding eighteen months with a possibility of extension for a period not exceeding six months.

### **C. National Human Rights Commission**

143. The National Human Rights Commission (NHRC) was established to address future human rights violations and promote and protect human rights in the Gambia. The Commission's protective mandate includes the power to monitor, receive and investigate any human rights violations in the Gambia by both State officials and Non-State officials. In addition, the NHRC has the powers vested in the High Court to, amongst other things, hear complaints, summon witnesses to testify at hearings, examine witnesses on oath and enforce its decisions, including measures to protect the life and safety of an individual. The NHRC consists of five commissioners who shall hold office for a period of three years and are eligible for re-appointment for a further term.

### **D. The Security Sector Reform**

144. A Security Sector Reform assessment was conducted and this highlighted the gaps and threats within the security sector. This led to the development of the National Security Policy which has been validated. A National Security Sector Strategy is currently being developed by a drafting team to implement the NSP. Furthermore, a Security Sector Reform Strategy is also being developed to implement the security sector assessment conducted.

## **IV. Challenges requiring the support of international communities**

- Support to the National Mechanism for Reporting and Follow up (Inter-ministerial Taskforce).
- Support to the National Human Rights Commission.
- Support to the Transitional Justice Process.

### *Notes*

<sup>1</sup> Section 2 of the Children's Amendment Act 2016.

<sup>2</sup> Budget Appropriation Report 2014.

<sup>3</sup> Paper presented by Ramou Cole Ceesay as the health contribution to the BPFA + 15 Report.

<sup>4</sup> Before 2017, there were 6 private newspapers however since the change of Government this has increased to 11. There were no private TV stations in the country before 2017; presently, TV licences have been issued to three private TV stations.