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Gambia

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Preface

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

It is against this background that this Report seeks to highlight the measures adopted, the progress made as well as the constraints encountered. During the period under review (2020-2024), numerous challenges had to be overcome in the effective realisation of the promotion and protection of these rights.

The Government of The Gambia takes this opportunity to express appreciation to the Human Rights Council and the UPR Working Group and hopes that they will appreciate the progress 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 The Gambia.

The Government of The Gambia looks forward to the opportunity to engage in a constructive dialogue with the UPR Working Group in January 2025.

Introduction

This Report outlines the actions and progress made by the Government of the Republic of The Gambia in addressing the recommendations from the 3rd Cycle review in November 2019. During that review, 222 recommendations were made and The Gambia accepted 207 of these recommendations and noted the remaining 15.

A significant portion of the recommendations from the UPR Working Group focused on gender equality, freedom of expression, judicial reform, and children's rights, which were the areas receiving the most attention.

The positive developments post-3rd Cycle review in all areas of accepted recommendations reflect The Gambia's strong commitment, despite significant challenges, to enhancing mechanisms for promoting and enjoying human rights. These efforts include ensuring security and accountability, fostering democracy, respect for the rule of law and good governance, and promoting access to justice. As highlighted in this Report, The Gambia is dedicated to integrating human rights principles into its legal framework.

List of abbreviations and acronyms

ACO	Alleged Child Offenders
AIC	Access to Information Commission
AIDS	Acquired Immunodeficiency Syndrome
AKI	Acute Kidney Injury
AU	African Union
BREAST	Building Resilience through Social Transfer for Nutritional Security
CAT	Convention against Torture
CED	Committee on Enforced Disappearances
CEDAW	Elimination of All Forms of Discrimination against Women
CID	Criminal Investigation Department
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRVS	Civil Registration and Vital Statistics
CSOs	Civil Society Organisations
EFSTH	Edward Francis Small Teaching Hospital
ERMS	Electronic Records Management System
FGM	Female Genital Mutilation
GamSR	Gambia Social Registry
GANHRI	Global Alliance of National Human Rights Institutions
GCWU	Gender and Child Welfare Unit
GIEPA	Gambia Investment and Export Promotion Agency
GMIS	Gender Management Information System
GSI	Gambia Songhai Initiative
HIV	Human Immunodeficiency Virus
HRMIS	Human Resource Management Information Systems
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ITC	International Trade Centre
IUU	Illegal, Unreported and Unregulated Fishing
MCNHRP	Maternal Child Nutrition and Health Results Project
MoBSE	Ministry of Basic and Secondary Education
MoGCSW	Ministry of Gender, Children and Social Welfare
MoJ	Ministry of Justice
MOU	Memoranda of Understanding
MYS	Ministry of Youth and Sports
NAATIP	National Agency Against Trafficking in Persons
NALA	National Agency for Legal Aid

NaNA	National Nutrition Agency
NAPA	Gambian National Adaptation Programme of Action 2007
NEDI	National Enterprises Development Initiative
NGBV	Network against Gender-Based Violence
NGOs	Non-Governmental Organisations
NGWEP	National Gender and Women Empowerment Policy 2010-2020
NHIS	National Health Insurance Scheme
NHRI	National Human Rights Institutions
NHRC	National Human Rights Commission
NSPP	National Social Protection Policy (2015-2025)
NSPS	National Social Protection Secretariat
PIA	President's International Award
PMTCT	Prevention of Mother to Child Transmission
PWDs	People with Disabilities
RF-NDP	Recovery-Focused National Development Plan (2023-2027)
SBCC	Social and Behaviour Change Communication
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence
STEM	Science, Technology, Engineering, and Mathematics
TRRC	Truth, Reconciliation, and Reparations Commission
TVET	Technical and Vocational, Education and Training

List of legislations

Access to Information Act, 2021
Births, Deaths, and Marriages (Amendment) Act, 2021
Children's Act of 2005
Children's (Amendment) Act, 2016
Christian Marriages (Amendment) Act, 2021
Civil Marriages (Amendment) Act, 2021
Constitution of The Gambia, 1997
Criminal Code (Cap 10:01)
Domestic Violence Act, 2013
Domestic Violence (Amendment) Act, 2021
Prevention and Prohibition of Torture (PPT) Act 2023
Information and Communication (IC) Act, 2009
Labour Act, 2023
Married Women's Property (Amendment) Act, 2021
Matrimonial Causes (Amendment) Act, 2021
Mutual Legal Assistance in Criminal Matters Act, 2023
National Social Protection Act, 2024
Persons with Disabilities Act, 2021
Sexual Offences Act, 2013
The Gambia Nationality and Citizenship (Amendment) Act, 2021
Tourism Offences Act, 2003
Tourism Offences (Amendment) Act, 2014
Tourism Offences (Amendment) Act, 2021
Trafficking in Persons Act, 2007
Women's Act, 2010
Women's (Amendment) Act 2015
Women's (Amendment) Act, 2021

I. Process for the preparation of the report

1. This Report was prepared by a consultant under the supervision of the Ministry of Justice. The drafting process involved extensive consultations with stakeholders from relevant Ministries and Institutions to gather information on the progress made since the last cycle.
2. The Report has undergone a comprehensive consultative process of collecting information from stakeholders across all arms of government (Executive, Legislative, and Judiciary). Following this, several drafts were reviewed in succession by the Consultant and the UPR Technical Committee¹ set up by the Ministry of Justice. The draft was further shared with stakeholders, including Civil Society Organizations (CSOs) and other relevant parties, for review and consideration, after which a retreat was held² on September 13–14, 2024, spearheaded by the Minister of Justice, to further refine and finalise the Report based on the feedback received.
3. A validation workshop was held³ on September 27–28, 2024 wherein the final draft Report was presented again to participants from both 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 UPR Working Group.

II. Implementation of recommendations from the 3rd cycle

A. Constitutional, institutional, and legislative frameworks

1. **Acceptance of international norms (Ratification and incorporation of international human rights instruments and cooperation with Treaty Bodies)**

Recommendations

127.1, 127.2, 127.3, 127.4, 127.5, 127.6, 127.7, 127.8, 127.9, 127.13, 127.14, 127.19, 127.37, 127.43. (SDG 16 – Peace, Justice and Strong Institutions)

Status of implementation

4. This is yet to be fully implemented. However, The Gambia has demonstrated its commitment to implementing international human rights conventions into domestic laws by ratifying all nine core UN human rights treaties and key optional protocols, such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Second Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), and the Convention on the Rights of Persons with Disabilities. National laws like the Women’s Act 2010, Children’s Act 2005, Persons with Disabilities Act 2021, and the Prevention and Prohibition of Torture Act 2023 reflect the domestication of provisions from key treaties, including International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), Protocol on the Rights of Older Persons in Africa, and Convention against Torture (CAT). This underscores The Gambia’s dedication to aligning with global human rights standards, while it remains committed to becoming a party to additional international human rights instruments.⁴

5. The Gambia has made significant strides in fulfilling its reporting obligations to Treaty Bodies and for the period under review:

(a) The 6th Periodic Report to the CEDAW Committee was submitted in December 2020, and The Gambia underwent a review in October 2022.

(b) The Initial Report to the Committee on Enforced Disappearances (CED) was submitted in March 2021, and The Gambia is currently working on its written responses to the list of issues provided by the Committee.

(c) The combined 4th to 7th Periodic Reports on the Convention on the Rights of the Child (CRC) was submitted to the CRC Committee in April 2024.

2. National Human Rights Institution (NHRI)

Recommendations

127.62, 127.63, 127.64, 127.65, 127.66. (SDG 16 – Peace, Justice and Strong Institutions)

Status of implementation

6. This is fully implemented. The Gambia has established the National Human Rights Commission (NHRC) since 2017 which became operational in February 2019, in compliance with the Paris Principles ensuring its independence and effectiveness. The NHRC plays a crucial role in promoting and protecting human rights in the country.

7. The NHRC is reasonably funded and supported to carry out its mandate; but inadequate financing remains a challenge to its full operational capacity. However, efforts are being made by the government to ensure the NHRC's budgetary stability. For instance, NHRC used to be under the Ministry of Justice (MoJ); but in order to enhance its independence and efficiency in compliance the Paris Principles, it was granted financial autonomy by its inclusion in the Appropriation Act, starting 2022; thereby deriving its funding directly from the consolidated fund.

8. The NHRC has institutional autonomy to operate independently, and to submit annual reports to the National Assembly. This autonomy is vital to its role in safeguarding human rights.

9. The NHRC has earned 'A' status from the Global Alliance of National Human Rights Institutions (GANHRI), indicating full compliance with international standards in just three years of its establishment. Besides the head office in Banjul, NHRC now operates two regional offices in The Gambia: one in the North Bank Region, and the other in the Upper River Region.

3. Constitutional and legislative framework

Recommendations

127.21, 127.22, 127.23, 127.91, 127.92, 127.93, 127.94, 127.95, 127.96, 127.97, 127.98. (SDGs 10 – Reduced Inequalities & 16—Peace, Justice and Strong Institutions)

Status of implementation

10. This is fully implemented. The Gambia has conducted a comprehensive review of its constitutional framework and the latest draft, scheduled for tabling in 2024, has removed provisions for the death penalty. Meanwhile, a moratorium was placed on the death penalty since 2018, whilst The Gambia signed and ratified the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty.

4. Institutional and legal reforms

Recommendations

127.10, 127.24, 127.25, 127.26, 127.27. (SDG 16 – Peace, Justice and Strong Institutions)

Status of implementation

11. The rights enshrined in the ICCPR have been incorporated in the Draft Constitution 2024, which is scheduled for tabling later in the year. The Gambia is committed to furthering its engagement with international partners including global, regional and sub-regional bodies to strengthen legal and institutional frameworks for human rights protection and to integrate international human rights standards into our national legislation and practices, ensuring the rights of all citizens are upheld.

12. The revision of the Criminal Code and Criminal Procedure Code in The Gambia has been undertaken. This revision represents the first comprehensive review of The Gambia's

criminal laws in over many decades. The Bills were introduced in the National Assembly in July 2020, and are currently being considered by the Plenary. This indicates ongoing legislative efforts to update and modernize the legal framework in line with current standards and requirements.

13. Chapter V of the Draft Constitution 2024 extensively outlines the fundamental human rights and freedoms. This includes a comprehensive enumeration of specific rights such as the right to life, protection of liberty, protection from slavery and servitude, right to human dignity and protection against torture, right to privacy, right to fair administrative action, right to fair trial, freedom of expression and the media, access to information, and religious freedoms. These rights align closely with those enshrined in the ICCPR.

14. The Gambia is actively continuing the review of domestic laws to ensure they align with international best practices. This process involves comprehensive assessments and amendments of existing legislation to improve legal frameworks and uphold human rights standards. Efforts are concentrated on enhancing laws relating to civil liberties, economic rights, and social justice, to foster a legal environment that is both progressive and compliant with global norms.

15. In 2022, the Ministry of Public Service, Administrative Reforms, Policy Coordination and Delivery commenced the implementation of an e-governance system, with support from the World Bank, in order to improve transparency and accountability in the delivery of public service. The initiative, which is currently at the development stage, include:

(a) Mapping and harmonising policies, legislation and regulatory frameworks to improve service delivery; introduction of an integrated Human Resource Management Information Systems (HRMIS) across the public service; introduction of the performance management systems;

(b) Expanding the usage of the Electronic Records Management System (ERMS) across the Public Service; develop or build on the existing policy and regulatory initiatives and frameworks for e-governance;

(c) Ensure effective and efficient implementation of laws, policies and regulations required to stimulate and accelerate digital transformation and modernisation for national development; increase advocacy on Government policies and programmes and introduce citizen engagements and feedback mechanisms; and

(d) The provision of periodic barometer reports which will proactively support the timely production and disclosure of key fiscal and service delivery performance reporting data in selected sectors.

B. Civil and political rights

1. Human rights and transitional justice

Recommendation

127.127,127.128,127.129,127.131, 127.133, 127.134, 127.135, 127.136. (SDGs 10 – Reduced Inequalities & 16—Peace, Justice and Strong Institutions)

Status of implementation

16. Some of the recommendations from The Gambia's Truth, Reconciliation, and Reparations Commission (TRRC) have been implemented. The TRRC concluded its investigative operations in 2021 after extensive hearings that started in January 2019. The Commission was established to document and remedy human rights violations that occurred during the rule of President Yahya Jammeh from 1994 to 2017. Upon conclusion, the TRRC presented the government with 265 recommendations aimed at ensuring accountability, fostering reconciliation, and instituting reforms to prevent a recurrence of past abuses. Of these, the government has formally accepted 263 of the recommendations, and rejected 2; committing to implement them as part of its broader commitment to justice and national

healing. This acceptance underscores The Gambia's ongoing efforts to address historical injustices and lay a foundation for sustained peace and democracy.

17. The government is committed to ensuring that individuals accused of serious human rights abuses, including enforced disappearances, do not benefit from any special amnesty laws; and efforts are underway to establish a special prosecution system for such cases. The government issued a White Paper on the Report in May 2022, and an Implementation Plan to the Government White Paper 2023-2027. To facilitate the process, two laws have been enacted: the Special Prosecutor's Office Act 2024 and Special Accountability Mechanism (TRRC) Act 2024. In addition, a special criminal division of the High Court of The Gambia has been established to try cases from the TRRC.

18. Furthermore, the government has been actively supporting the prosecution of perpetrators of alleged human rights violation who fled to other jurisdictions, including Switzerland, the United States, and Germany. These countries are currently prosecuting or investigating crimes committed by these individuals during the Jammeh regime, under the principle of universal jurisdiction. The Gambia has maintained mutual legal relations with these countries, facilitating collaboration and support in these legal proceedings. Switzerland recently secured a conviction for 20 years imprisonment against Ousman Sonko, an erstwhile Minister of Interior of the former government for the crimes he committed during that period. The country has gone further to enact the Mutual Legal Assistance in Criminal Matters Act 2023, to enable it actualise justice in matters relating to the TRRC, and beyond.

19. The Government is making effort to ensure full implementation of the accepted TRRC recommendations, including setting up of ad hoc investigation Panels, to investigate persons adversely mentioned in the TRRC Report. To this end, the Victims Reparations Act 2023 was enacted, whilst the Ministry of Interior is at the proposal stage of the Peace and Reconciliation Commission Bill, which is expected to become law very soon.

2. Prohibition of torture and cruel, inhumane or degrading treatment

Recommendations

127.4, 127.5, 127.6, 127.7, 127.99, 127.100, 127.101, 127.102, 127.103, 127.104, 127.119, 127.127. (SDG 16 – Peace, Justice and Strong Institutions)

Status of implementation

20. This is partially implemented. While the country is considering the possibility of ratifying the Optional Protocol to the Convention against Torture soon, significant strides have been made, including the enactment of the Prevention and Prohibition of Torture (PPT) Act 2023, which criminalizes acts of torture and provides safeguards for human dignity in line with international standards.

21. The Gambia has taken significant steps to address torture, ill-treatment, and the excessive use of force by law enforcement and security forces. This is underscored by the enactment of the PPT Act 2023. The government has introduced human rights training for law enforcement officers and continues to work on improving oversight mechanisms to prevent abuses. Additionally, NHRC plays a key role in investigating allegations of torture and ill-treatment.⁵

22. The government is also revising the criminal justice system to end prolonged provisional detention and ensure that all individuals in custody are treated in accordance with international standards. Currently, the Police Bill has been validated, and awaiting presentation to the National Assembly. The Bill sufficiently addresses issues of arbitrary arrests, unlawful detention, inhumane and degrading treatments, among others. Furthermore, efforts to combat impunity within the law enforcement agencies and other security forces are ongoing, and specific measures have been taken to investigate and hold accountable those responsible for human rights violations. Some of the specific measures include a training conducted by the NHRC on human rights and SGBV, for which a manual was published on International Human Rights, International Humanitarian Law, and SGBV in 2024, to guide the security agencies in these matters.

23. The Gambia is actively working to align its detention practices with international standards. Reforms have been initiated to ensure that no individual is held in provisional detention beyond the legally mandated 72-hour limit. Additionally, the government has prioritized human rights training for both the Police Force and judicial personnel; aimed at strengthening respect for human rights within law enforcement and the judiciary, thus enhancing the overall fairness and efficiency of the justice system.

24. The NHRC has been instrumental in investigating allegations of torture, particularly within detention facilities. One notable case was the investigation of the former Commander of the Anti-Crime Police Unit in 2021,⁶ which resulted in recommendations for accountability and reform.

25. The Gambia Police Force has also taken steps to address impunity and human rights abuses. Human rights trainings have been provided to police officers, with a focus on preventing torture and ill-treatment. Additionally, mechanisms for holding officers accountable, including disciplinary action and prosecution, have been strengthened. The establishment of internal oversight units within the police force further ensures that officers involved in torture or ill-treatment are investigated and brought to justice. These efforts highlight the government's commitment to upholding human rights and ensuring accountability in law enforcement. Oversight mechanisms are put in place to prevent arbitrary arrests and ensure due process is followed at all times.

3. Conditions of detention

Recommendations

127.119, 127.120, 127.121. (SDG16 – Peace, Justice and Strong Institutions)

Status of implementation

26. This is partially implemented. However, The Gambia is actively investigating all allegations of torture in detention through the NHRC, NALA, and Office of the Ombudsman. Regular inspections and improvements to prison infrastructure and healthcare are being made. As solution to the poor Prison kitchen facilities, which has exposed inmates to threats of hazardous food, a new kitchen has been built.

27. The Gambia is ensuring timely and fair trials through comprehensive judicial reforms which include updating the legal framework to reduce delays, modernizing court facilities to alleviate manual recording of proceedings, and providing extensive training for judicial personnel.⁷ Additionally, the government is providing access to legal aid to guarantee that certain categories of persons, as stipulated in the law, have competent legal representation in criminal cases.⁸ Public awareness campaigns are also being conducted to inform citizens of their legal rights.

28. The government is addressing prison conditions by improving sanitation, increasing medical care access and adding trained healthcare staff, reducing overcrowding, and enhancing the food service. The Government refurbished some cells at Old Jeshwang Prison Camp, whilst donor Partners completed two remand sections. Meanwhile, plans are ongoing to build a new prison, as a long-term solution to the poor, inhumane, and degrading living conditions of prisoners at the Mile II and Janjangbureh Prisons.

4. Prohibition of slavery and trafficking

Recommendations

127.144, 127.145, 127.146, 127.149, 127.150, 127.151, 127.152, 127.153. (SDGs 8 – Decent Work and Economic Growth & 16—Peace, Justice and Strong Institutions)

Status of implementation

29. Partially implemented. The Gambia is currently on Tier 2 in the 2024 Trafficking in Persons (TIP) based on the Report issued by the U.S. Department of State. This ranking indicates that while The Gambia does not fully meet the minimum standards for the

elimination of human trafficking, the country is making significant efforts to comply with those standards.

30. The National Agency Against Trafficking in Persons (NAATIP) has employed a multi-sector approach to combatting trafficking in persons. The approach includes awareness creation; radio talk shows; and training of CSOs, law enforcement officers, diplomats, and Legal practitioners, among others. A hotline – 1123 was launched to ease the reporting of trafficking cases. In addition, NAATIP provides free weekly counselling services to victims to help them reintegrate back to the society, as well as provide residential permits to victims through the Immigration Services, and provides financial support for integration into society.

31. In order to improve its capacity to investigate and address child sex tourism, NAATIP has increased the number of its investigators and also expanded its secretariat to boost its capacity for investigation, whilst it relies on the support of the MoJ for prosecution. Also, NAATIP conducts training for hoteliers and the Tourism Security Unit on trafficking and related matters. NAATIP has established a National Referral Mechanism for the vulnerable migrants, including victims of trafficking. This mechanism is a national framework to be utilised by service providers to enable the concerned vulnerable group to access social security.

32. NAATIP in The Gambia has expanded its efforts to combat cross-border human trafficking by signing Memoranda of Understanding (MOUs) with neighbouring countries, including Nigeria and Senegal. These agreements enhance collaborative measures and strengthen regional partnerships, allowing for more effective interventions against trafficking networks and better protection for victims.

5. Freedom of opinion and expression

Recommendations

127.28, 127.33, 127.38, 127.44, 127.49, 127.50, 127.52, 127.53, 127.55, 127.58, 127.59, 127.60, 127.61, 127.137, 127.132, 127.138. (SDG 16 – Peace, Justice and Strong Institutions)

Status of implementation

33. The enhancement of the legal framework for media freedom has been partially implemented, as The Gambia is proactively revising its Information and Communication (IC) Act, with the assistance of the World Bank Group; developing a new Communications Bill that aligns with international best practices for media freedom and freedom of expression. This forthcoming legislation is meticulously designed to remove outdated and restrictive laws, ensuring greater protection for journalists and fostering a conducive environment for civil society and the media. The Bill, expected to be tabled before the National Assembly, specifically targets the enhancement of journalistic safety and the removal of impediments to freedom of expression.

34. Included in the new Communications Bill are provisions that strengthen mechanisms to protect journalists from harassment and violence. This reflects a commitment to safeguarding media personnel, crucial for maintaining a free and independent press.

35. To further support media development, The Gambia has issued numerous licenses for new media outlets, including radio stations, television stations, and newspapers; significantly increasing the diversity of voices and information sources available to the public. This initiative is part of a broader strategy to encourage a dynamic media landscape conducive to democratic discourse.

36. The Gambia's efforts have not gone unnoticed on the international stage. The country's ranking in the 2024 World Press Freedom Index – 10th in Africa and 58th globally – underscores its significant strides towards enhancing media freedom and ensuring the safety of journalists. These rankings reflect the nation's ongoing commitment to upholding freedom of expression as a fundamental right.

37. Significant progress has been made in safeguarding freedom of opinion and expression. The Gambia now has the Access to Information Act, 2021, under the purview of

the Ministry of Information. The Act established the Access to Information Commission (AIC), which became operational in September 2024. The Commission has oversight responsibility for both Access to Information, and Data Protection and Privacy. These reforms aim to remove barriers to freedom of expression and ensure that journalists and media houses can operate without fear of reprisal.

6. Combatting discrimination in line with the International Covenant on Civil and Political Rights (ICCPR)

Recommendations

127.42, 127.48. (SDGs 5 – Gender Equality; 10 – Reduced Inequalities; & 16 – Peace, Justice and Strong Institutions)

Status of implementation

38. The Constitution of The Gambia expressly prohibits any form of discrimination, ensuring that all individuals are treated equally regardless of sex, colour, race, or religion. These protections align with the commitment to eliminating inequalities and providing remedies for victims of discrimination, creating a framework for the promotion of equal rights.

39. While The Gambia has not yet adopted a single, comprehensive anti-discrimination law, the principles of equality and non-discrimination are embedded in various pieces of its legislation. These laws reinforce the constitutional mandate to combat discrimination. For example, the Labour Act, 2023 and the Persons with Disabilities Act, 2021 include provisions that prohibit discrimination, particularly in employment and accessibility, thereby protecting vulnerable groups. In addition, a comprehensive review of all Laws that are discriminatory against Women has been done and legislated.⁹ This legislative replication strengthens efforts to enforce anti-discrimination norms across multiple sectors.

40. In a bid to ensure that workers' rights are protected and workplace discrimination is effectively addressed, the Labour Act has established industrial tribunals across the country, with jurisdiction on labour disputes.¹⁰ These tribunals provide a platform for the resolution of labour disputes, ensuring that victims of workplace discrimination have access to timely remedies and protection.

41. On the LGBTQ rights, The Gambia aligns itself with the position of the African Union (AU), that the rights are not expressly recognised in the African Charter on Human and People's Rights.

C. Economic, social and cultural rights

1. Right to health

Recommendations

127.165, 127.166, 127.167, 127.168, 127.169, 127.170, 127.171, 127.172, 127.173, 127.174. (SDGs 3 – Good Health and Well-Being; 5 – Gender Equality; & 6 – Clean Water and Sanitation)

Status of implementation

42. The Gambia continues to prioritize the enjoyment of the right to health through the strategic allocation of increased resources to the health sector.¹¹ This includes substantial investments in upgrading healthcare infrastructure, especially in rural areas, and expanding the training programmes for health extension workers. These efforts are complemented by ongoing initiatives to improve data collection and monitoring, essential for evaluating health outcomes and adjusting strategies as necessary.

43. Between 2020 and 2021, refurbishment was done on the health facilities at Essau and Njau; whilst other treatment centres were newly constructed across the entire region, including: Bansang, Salikenni, Chissma Jaw, Tumana, Mangkamang Kunda, and Kiang Jali.

Other medical facilities under renovation/construction include: National Clinical Waste Treatment Centre Farato, Edward Francis Small Teaching Hospital (EFSTH), and health centres at Kundang, Bwiam, and Brikamaba. Construction of several other medical facilities is scheduled to commence across all Regions of the country before end of 2024. This is aimed at fulfilling the national aspiration expressed in the National Health Policy 2021-2030 that everyone should have access to a healthcare facility within three-kilometre radius.

44. Our commitment to reducing maternal and infant mortality remains steadfast, with significant improvements noted through the expansion of reproductive health services. These services encompass comprehensive antenatal and postnatal care, improved immunization programmes, and enhanced access to emergency obstetric and neonatal care, aligning with international standards. Furthermore, the government provides free healthcare for pregnant women and children under five, which supports our goal towards universal health coverage.

45. Further efforts to reduce maternal and infant mortality rates include enhancing access to comprehensive emergency obstetric and newborn care services, and increasing the capacity of skilled birth attendants. The Maternal Child Nutrition and Health Results Project (MCNHRP) is one initiative aimed at improving the efficiency of health systems and strengthening community-health facility links to improve service coverage and quality.

46. Efforts to improve health services are being amplified with a focus on training health workers and ensuring the supply of appropriate medical equipment across all health facilities. The government's agenda includes strengthening health system capacities and ensuring equitable access to essential medicines, particularly in underserved regions.

47. The National AIDS Secretariat has been actively involved in resource mobilization to ensure adequate funding for the sustainability of health services, particularly for HIV response, which is also critical for general health service improvements.

48. The Gambia has progressed from the National Health Policy framework of 2012-2020 to the current National Health Policy 2021-2030, titled "Building Partnerships for Quality Health Care for All." This new policy reflects a comprehensive approach to advancing health care, emphasizing quality, equity, and universal health coverage. This policy is aligned with the Recovery Focused National Development Plan "YIRIWAA" (2023-2027) and the Sustainable Development Goals (SDGs), aiming to improve health outcomes across all demographics and ensure no one is left behind. It is formulated to address the challenges and gaps identified in the previous policy framework, including ensuring equitable health service delivery, increasing investments in health, and enhancing health infrastructure.

49. The 2021-2030 Policy focuses on emerging health priorities, such as strengthening non-communicable disease management, enhancing maternal and child health services, and bolstering our health system's responsiveness to public health emergencies. It integrates innovative strategies like the expansion of digital health technologies, enhancement of health financing models, and reinforcement of community health programmes to achieve comprehensive health coverage. As we continue to implement this updated policy, our strategies are rooted in evidence-based practices and community engagement, aiming to sustainably transform the health landscape of The Gambia to achieving better health for all.

50. The updated policy places significant emphasis on maternal, child, and reproductive health services, aiming to further decrease maternal and infant mortality rates and enhance the overall quality of sexual and reproductive health services. Key interventions include scaling up access to emergency obstetric and neonatal care, improving the availability of skilled birth attendants, and expanding reproductive health services to all segments of the population, particularly the most vulnerable.

51. The Gambia has enhanced its infectious disease control programmes, with a strong focus on malaria, HIV/AIDS, and tuberculosis. National strategies and policies have been implemented to improve testing, treatment, and preventive measures, which are bolstered by awareness campaigns aimed at reducing transmission rates and stigma associated with these diseases. The rapid growth of HIV counselling and testing since its inception in 2004 has significantly contributed to behavioural change and reduced HIV-related stigma.

52. Mental health and non-communicable diseases: The Mental Health Bill, which is being developed, reflects our commitment to integrating mental health services into primary

care and developing comprehensive strategies to address non-communicable diseases, including diabetes, hypertension, and cancers. This legislative framework is part of a broader initiative to ensure that mental health services are adequately represented and resourced within our national health policies.

2. Right to education

Recommendations

127.178, 127.179, 127.180, 127.181, 127.182, 127.183, 127.184, 127.185, 127.186, 127.189, 127.203. (SDGs 4 – Quality Education & 10 – Reduced Inequalities)

Status of implementation

53. In pursuance of the right to education enshrined in the Constitution of The Gambia, 1997 and the Children's Act, 2005, the Ministry of Basic and Secondary Education (MoBSE) has been on the path of raising awareness on the significance of education for boys and girls, including persons with disabilities (children with special educational needs). To this end, the Education Policy of 2016-2030, and the Revised Special Needs Education and Inclusive Policy Framework 2016-2022 are all-inclusive, for which the Inclusive Education Directorate was set up and operationalised.

54. The Education Policy 2016-2030 addressed issues of discrimination in education by emphasising gender equality. The Policy highlights gender mainstreaming at all levels of education, to create equal opportunities for all to acquire literacy, livelihood skills, and the utilisation of the skill to earn a living and be economically self-reliant. Based on the Policy, a new gender-sensitive and competence-based curriculum, that will eradicate gender inequality, was developed. This is also aimed at promoting Technical and Vocational, Education and Training (TVET) structure of education for boys and girls, including persons with disability. In addition, a conditional cash transfer system to enable children access literacy and numeracy in Koranic schools was established in 2009, and remains operational; and has benefited close to 5,000 children in all Regions of the Country.

55. The call to increase budgetary allocation towards improving school infrastructure has been partially implemented. The Government's budgetary allocation for education has seen a slight increase, reflecting a commitment to enhancing educational infrastructure, especially in marginalized and rural communities. The budget allocation to the (MoBSE) in 2021 fiscal year was 15.6%, 2022 – 17.13%, and 2023 – 17.50%. This shows a gradual rise in government's budgetary allocation to basic and secondary education in The Gambia, which is commendable; though more needs to be done. Other investments in education include the construction of new schools and upgrading of existing ones, to significantly reduce the travel distance for students. MoBSE, with MRC-Holland Foundation's support, continues to build and renovate schools, focusing on making educational facilities accessible within a two-to-three-kilometre radius in rural areas.

56. The recommendation on intensifying efforts to promote the right to education has been implemented. MoBSE has institutionalized inclusive education through the establishment of the Inclusive Education Directorate, ensuring that all children, including those with disabilities, have access to quality education. The deployment of itinerant teachers and provision of assistive technologies further support this commitment. Additionally, incentive programmes have been introduced to increase teacher availability in rural areas. This is done by allocating posting votes to Regional Education Directorates for the benefit of teachers posted to the rural areas. With the introduction of a special allowance (hardship allowance), government hopes to motivate teaching and guiding the children in rural areas. In addition, the teacher training college has been decentralised to Basse, a rural part of the country. This is aimed at bringing teacher training closer to the rural areas, consequently increasing the availability of teachers.

57. Effort to improve access to education in the rural areas has been partially implemented. The construction and upgrading of educational facilities in rural areas, along with the decentralization of teacher training to these regions, ensuring a steady supply of qualified educators and reduced distances to schools. MoBSE has also decentralized the

teacher training college to Basse in the Upper River Region, further supporting rural education.

58. The goal of strengthening measures for girls' education and promoting high quality education for young girls has been implemented. MoBSE's collaboration with various ministries to enforce the Education Policy has enhanced girls' continued education. The re-entry programme for girls who drop out due to pregnancy, and other programmes like providing bicycles, school kits, and sanitary kits for girls from vulnerable families, are key initiatives. The curriculum has been updated to omit gender stereotypes and include components emphasizing STEM and TVET, making it gender-sensitive and competence-based.

59. Ensuring equal access to education for women and enforcing the laws against withdrawing girls from school for the purpose of marriage are being implemented. Strict enforcement of the Children's (Amendment) Act¹² and the Women's Act,¹³ which prohibit withdrawing girls from school for marriage, and initiatives to engage communities in supporting girls' education ensure equal access for women and girls to educational opportunities.

60. Guaranteed access to education for persons with disabilities has been partially implemented, guided by the Persons with Disabilities Act 2021. The Directorate of Early Childhood Development and Inclusive Education at MoBSE plays an active role in training teachers specially to provide necessary educational aids to special needs students. This includes the provision of Braille machines, lenses, hearing aids, and other helpful gadgets. However, challenges still exist in the areas of accessibility to buildings, insufficient educational facilities for persons with special needs, adaptable public transportation, among others. In order to address the challenges, the Disability Policy 2022 came into existence.

3. Right to food

Recommendations

127.156, 127.157 127.158, 127.160, 127.161. (SDG 2 – Zero Hunger)

Status of implementation

61. The effort at strengthening national development and modernizing agriculture is still in progress. The Recovery-Focused National Development Plan (RF-NDP) 2023-2027 succeeded the National Development Plan 2018-2021, building on its achievements to further modernize agriculture and the fishing industry. This new plan emphasizes sustainable economic growth, enhanced food and nutrition security, and poverty reduction, through:

(a) Agricultural Modernization: We are boosting agricultural productivity with better inputs, access to financing, new technologies, and strengthening agricultural value chains.

(b) Fishing Industry Development: Initiatives are underway to promote sustainable fishing practices, improve fish processing and storage facilities, and expand market access.

(c) Environmental Sustainability: Sustainable management of land, water, and forests is being prioritized to mitigate climate change impacts and enhance biodiversity.

(d) Infrastructure and Social Integration: Investments in rural infrastructure aim to bolster agricultural productivity, integrating these efforts with broader poverty alleviation measures.

62. Agencies under the Office of the Vice President, such as the National Nutrition Agency (NaNA) and the National Social Protection Secretariat (NSPS), have formulated approaches to eradicating extreme poverty and hunger which involve multiple strategies underpinned by the RF-NDP 2023-2027 in the following ways:

(a) Implementation and Monitoring: The Gambia is implementing the National Nutrition Policy (2021-2025), which prioritizes the nutritional needs of vulnerable groups, including children and pregnant women. The common results framework for nutrition allows

for coordinated action and effective monitoring, ensuring that interventions are well-targeted and impactful. Furthermore, a Nutrition Bill was introduced in 2023; it has been considered at plenary, and is waiting to be passed in the next session of the National Assembly. Also, the Food Safety and Quality Assurance Unit has initiated strategies for regulating the quality of rice and maize consumed in the country.

(b) **Community Engagement and Education:** The National Nutrition Policy (2021-2025) strongly emphasizes community engagement and education to combat malnutrition. Through Social and Behaviour Change Communication (SBCC), extensive public education campaigns are deployed nationwide, with a focus on enhancing nutritional knowledge and promoting healthy eating habits, particularly in rural and underserved areas. These initiatives focus on improving knowledge about nutritional practices and encouraging the adoption of healthy eating habits, which is vital for the nutritional well-being of children and pregnant women.

(c) **Support for Agricultural Development:** Substantial investments have been directed towards agricultural development to fortify the food supply and enhance food security. This includes the support outlined in the Food Fortification Regulation 2021, which ensures the availability of fortified foods. Additionally, the government provides subsidies for essential farming inputs and promotes modern agricultural practices to boost productivity and sustainability.

(d) **Partnerships and Funding:** Strategic partnerships with international donors and NGOs are pivotal in bolstering The Gambia's capacity to implement comprehensive nutrition and agricultural plans. These collaborations are integral to the effective execution of the Nutrition Investment Plan and the Multi-Sectoral Nutrition Strategic Plan, which aim to implement sustainable practices and secure long-term solutions for food security.

(e) **Legislative Progress:** The anticipated Nutrition Bill will establish a unified legal framework that consolidates various nutrition initiatives under a national policy. This legislation is expected to enhance the coordination and enforcement of nutrition standards across the country, ensuring a cohesive approach to tackling malnutrition.

(f) **Social Protection Enhancements:** Under the Social Protection Policy (2015-2025), The Gambia is expanding its safety net programmes to address nutritional needs directly. This includes scaling up school feeding programmes and enhancing maternal and child health nutrition services, which are crucial components of the national strategy to reduce malnutrition effectively.

(g) **Specific Measures for Children's Nutrition:** The Social Protection Policy (2015-2025), includes targeted interventions to ensure that children's dietary requirements are met. This involves the promotion of optimal infant and young child feeding practices and the implementation of programmes that directly address the nutritional needs of children in both urban and rural areas.

63. In particular, the policy emphasizes promoting optimal infant and young child feeding practices as a key strategy to meet children's dietary needs. This involves initiatives such as:

(a) **Breastfeeding Promotion:** Encouraging early initiation and exclusive breastfeeding for the first six months, followed by continued breastfeeding with appropriate complementary foods up to two years and beyond.

(b) **Community-based Nutrition Programmes:** Implementing programmes that educate and support communities, especially in rural areas, to adopt better nutrition practices for their children.

(c) **Nutrition Surveillance and Intervention Programmes:** Continuous monitoring and targeted interventions to address specific nutritional deficiencies observed in children.

64. These initiatives are part of a broader effort under the National Nutrition Policy to ensure that all children in The Gambia receive the necessary nutrients for healthy growth and development, thereby addressing the nutritional needs of the most vulnerable segments of the population effectively.

4. Right to social security

Recommendations

127.162, 127.163, 127.164, 127.166. (SDGs 1 – No Poverty; 10 – Reduced Inequalities; & 17 – Partnership for the Goals)

Status of implementation

65. This is being implemented. Recognising the need for social protection, Government of The Gambia formulated the National Social Protection Policy (NSPP) 2015-2025. As a follow up, it established the National Social Protection Secretariat (NSPS), under the Office of the Vice President, to oversee deployment of the implementation apparatuses across the various strata of the country.

66. In 2020, through NSPS, the government launched The Gambia Social Registry (GamSR) – an integrated information system – to serve as a common platform for determining inclusion into social protection initiatives, improving coordination, and effectiveness of social protection interventions. Since 2021, the NSPS initiated the publication of a sector-wide Annual Report, underpinned by a robust monitoring and evaluation framework for the sector. This has facilitated the tracking of the progress, identifying challenges, and ensuring accountability in the implementation of social protection programmes.

67. In 2024, the government enacted The National Social Protection Act 2024, which marked a significant milestone as the first legal framework for social assistance, and establishing standards for social service delivery to the poor and vulnerable in the country. The Law seeks to address existing gaps in the social protection framework by preventing or alleviating economic, discriminatory, and social vulnerabilities relating to poverty and deprivation in the country, by the establishment of a Social Protection Agency.

68. To foster a sustainable and effective social protection framework, the NSPS has conducted a mapping of all social protection-sensitive budget lines in the national estimate, which resulted in the development of the Social Protection Financial Reporting Framework. This is aimed at informing government and partners of the adequacy or otherwise of total resources allocated to the sector. Furthermore, NSPS has developed a financing strategy to identify core and predictable funding opportunities, to support implementation of the NSPP's priority activities. In addition, NSPS is promoting knowledge management and improving public understanding of social protection issues by embarking on regular public enlightenment programmes.

D. Rights of specific persons or groups

1. Children's rights

Recommendations

127.45, 127.54, 127.67, 127.71, 127.147, 127.148, 127.177, 127.179, 127.199, 127.207. (SDGs 5 – Gender Equality; 8 – Decent Work and Economic Growth; & 16 – Peace, Justice and Strong Institutions)

Status of implementation

69. The ratification and enforcement of international protocols relating to children's rights are being implemented. During this reporting period, The Gambia ratified the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict; whilst ongoing efforts to enforce and align national legislation with the CRC remain robust. Significant amendments have been made to the Children's Act of 2005, enhancing protections against child marriage, whilst the Women's (Amendment) Act 2015 protects the girl child against female genital mutilation (FGM). Additional provisions to protect children from all forms of online sexual abuse and exploitation have been made in the Cyber Crime Bill 2023, which is before the National Assembly. Further, the Sexual Offences Act 2013, Labour Act 2023, and

the Tourism Offences Act 2003 have been revised to strengthen protection of children against economic exploitation and abuse.

70. Child Protection Strategies have been fully implemented. The National Child Protection Strategy and Plan of Action has been revised to complement the National Social Protection Policy 2015-2025. This strategy includes a monitoring and evaluation mechanism and is currently being implemented across the country. Additionally, there are plans to develop a comprehensive National Children's Policy to accompany this strategy.

71. The government has established Child Protection Units across various security agencies to enhance the safeguarding of children from abuse and exploitation. These specialised units collaborate closely with other key government bodies, including the Child Welfare Unit of the Police and those of the other security services, the Sexual and Gender-Based Violence (SGBV) Unit of the Ministry of Justice, the Directorate of Children's Affairs under the Ministry of Gender, Children and Social Welfare (MoGCSW), the National Agency Against Trafficking in Persons (NAATIP), and the Children's Court under the Judiciary. Together, these agencies form a robust network designed to address and mitigate instances of violence and maltreatment against children, ensuring a coordinated and comprehensive approach to child protection.

72. Complaint mechanisms and support services for child protection have been significantly enhanced. A major step in this direction is the establishment of additional toll-free helpline 1313, to complement the existing 199, by the MoGCSW, with support from UNFPA, in partnership with the Paradise Foundation Initiative, Network against Gender-Based Violence (NGBV), and the Gender Management Information System (GMIS), to facilitate easy reporting of child abuse cases. The helplines ensure that all reports of child abuse are handled confidentially and without cost to the reporter, significantly strengthening the nation's child protection framework.

73. Furthermore, community child protection committees actively participate in monitoring and reporting. The government also supports vulnerable individuals through the National Agency for Legal Aid (NALA), providing legal assistance to those who cannot afford it, including Alleged Child Offenders (ACO).

74. Comprehensive legal measures are in place to protect children from abuse and exploitation, with violations of children's rights addressed through various Acts of the National Assembly. Key legislations include the Tourism Offences Act 2003, Tourism Offences (Amendment) Act 2014, Tourism Offences (Amendment) Act 2021, Children's Act 2005, Children's (Amendment) Act 2016, Trafficking in Persons Act 2007, Women's Act 2010, Women's (Amendment) Act 2015, Sexual Offences Act 2013, Domestic Violence Act 2013, Domestic Violence (Amendment) Act 2021, Persons with Disabilities Act 2021, and the Criminal Code (Cap 10:01).

75. To further safeguard children against emerging digital threats, online sexual abuse, exploitation, and generally enhance protection of children, the Children's Act 2005 has been reviewed and in the process of being amended. Additionally, efforts are underway to develop comprehensive cybercrime legislation, aimed at addressing a broad spectrum of online child exploitation scenarios, ensuring a robust legal framework that keeps pace with technological advancements.

76. Sensitization and Training: Various community and school sensitization programmes are conducted by the MoGCSW and MoJ to educate the community about child protection issues. There is also continuous training for different stakeholders, including government officials and law enforcement, to enhance their capacity to protect children effectively.

77. The ministry responsible for children's affairs, MoGCSW, has worked to clearly define its mandate and strengthen its coordinating role across different sectors, ensuring a more unified approach to child protection.

78. Promotion of education of the child is being implemented. One of the primary responsibilities of the MoBSE is to provide quality and accessible basic education for all children in The Gambia. Schools in rural Gambia include early childhood education programmes in Lower Basic Schools to make access to basic education achievable. To avoid marginalization of children with disabilities, the Ministry has created a new Directorate of

Special Needs to promote equal access to education for children with disabilities in The Gambia.

79. The Ministry deployed trained special needs teachers called ‘Itinerary Teachers’ in special and mainstream schools, to support children with various special needs. Moreover, the Ministry provides materials such as braille machines, wheelchairs, and glasses for the visually impaired children, distributed in identified schools.

80. Infrastructure and support programmes: New classroom structures are now constructed to be accessible to children with disabilities. Additionally, the re-entry programme responds to girls who drop out of school due to pregnancy, allowing them to return to school without obstruction.

81. Promotion of health services: The Ministry of Health has implemented programmes to address issues concerning children, which include Maternal Child Nutrition and Health Results Project (MCNHRP), Building Resilience through Social Transfer for Nutritional Security (BREAST), Civil Registration and Vital Statistics (CRVS), National Health Insurance Scheme (NHIS), and Prevention of Mother to Child Transmission (PMTCT).

82. Mechanisms are in place for the universal birth registration and measures against statelessness, but implementation is yet to commence. Initiatives to increase birth registration have been strengthened by implementing electronic civil registration systems in 2022, and awareness campaigns ensuring all children, including those at risk of statelessness, are registered. The Civil Registration and Vital Statistics (CRVS) Bill 2024 has been validated, and awaiting Cabinet approval.

83. There is the SWEDD+ Project undertaken by the government of The Gambia with the support of the World Bank to strengthen marriage, by making birth registration a condition precedent for marriage; in order to avoid underage marriage in the country.

2. Women/gender issues

Recommendations 127.10, 127.116, 127.14, 127.106, 127.109, 127.190, 127.194, 127.197. (SDGs 5 – Gender Equality; 10 – Reduced Inequalities; & 16 – Peace, Justice and Strong Institutions)

Status of implementation

84. The Gambia has taken significant steps to address violence against women and girls, notably through the enactment of the Women’s (Amendment) Act 2015 which criminalizes FGM, the Children’s (Amendment) Act 2016 – setting the legal minimum age for marriage at 18, and Domestic Violence Act 2013 which criminalises all forms of violence against women, including economic exploitation. These laws are actively enforced with robust awareness campaigns in collaboration with civil society and sustained advocacy at the community level, highlighted by the country’s first FGM conviction in 2023. This marks a significant legal action demonstrating the government’s commitment to enforcing the laws against FGM and ending harmful traditional practices. The conviction triggered an attempt to decriminalise FGM by the introduction of a private member Bill, which failed at the National Assembly.

85. The Sexual and Gender-Based Violence (SGBV) Unit at the Ministry of Justice, together with the Gambia Police Force’s Criminal Investigation Department (CID) and Gender and Child Welfare Unit (GCWU), play crucial roles in investigating and prosecuting cases of domestic violence and sexual offences, supported by ongoing training for law enforcement officers. In addition, the government has adopted a National Policy for the Elimination of FGM 2022-2026.

86. The Ministry of Gender, Children and Social Welfare was created in 2019, which led to the formulation of the strategic plan 2020-2025. Further to that, the National Gender and Women Empowerment Policy (NGWEP) 2010-2020 was revised and replaced with the 2025-2034 edition, all in an effort to preserve gender equality and protect the interest of women.

87. Efforts to implement the Domestic Violence and Sexual Offences Acts effectively include the development of necessary regulations and collaboration with the Network

Against Gender-Based Violence (NGBV) to expand access to psychosocial services for victims. Leveraging on the collaboration by International Trade Centre (ITC), Kerewan Area Council, and The Gambia Investment and Export Promotion Agency (GIEPA), the government has operationalized One-Stop Centres, in 2024, providing medical, legal, and psychosocial support for survivors, ensuring a holistic approach to rehabilitation. Resources are allocated to support these services, particularly in rural areas, and to enhance the legal framework.

88. Moreover, The Gambia remains committed to eradicating FGM and child marriage through grassroots awareness campaigns and engagement with community leaders, religious figures, and the general population to promote cultural shifts against these harmful practices. Legislative measures are complemented by community-based efforts to ensure their long-term eradication, with support from international partners like UN Women and other development agencies.

3. Youth empowerment

Recommendations

127.69, 127.154, 127.159, 127.161. (SDGs 1 – No Poverty; 8 – Decent Work and Economic Growth; 10 – Reduced Inequalities; & 16 – Peace, Justice and Strong Institutions)

Status of implementation

89. The recommendations are being implemented. The National Youth Service Scheme was established in 1996. However, the objective and operations of the scheme have been revitalised and expanded within the reporting period to include training for young people through TVET apprenticeship programme, among others; to enable them to acquire skills in order to become gainfully employed. The government also launched the National Youth Service Graduate Programme in 2023, for the purpose of creating employment opportunities for young graduates.

90. The Gambia Songhai Initiative (GSI), launched in 2013, was designed to train young people to acquire skills in modern technique of agriculture, for employment creation. The initiative, which has been reinforced presently, builds the capacity of youth and tackles growing unemployment among youth across the country. Besides the GSI, there is the Presidential International Award (PIA) which provides technical support to the Ministry of Youth and Sports (MYS) to assist young people between ages 14 and 25 years to discover their hidden potentials, and learn skills like carpentry, welding, electrician, etc.

91. There is also the National Enterprises Development Initiative (NEDI) established in 2004 to empower youth and women through the provision of training in entrepreneurship, funding support to operate business in the informal sector, and business advice to ensure sustainability. The initiative has also been rejuvenated in an effort to empower the youth, reduce unemployment, eliminate illegal migration and drug/substance abuse.

4. Rights of persons living with disability

Recommendations 127.36, 127.40, 127.46, 127.56, 127.203, 127.205, 127.206. (SDGs 10 – Reduced Inequalities & 16 – Peace, Justice and Strong Institutions)

Status of implementation

92. Implementation of the rights of persons living with disability is in progress. The Gambia has made significant strides with the enactment of the Persons with Disabilities Act in 2021, in line with the Convention on the Rights of Persons with Disabilities (CRPD), providing comprehensive statutory protections for persons with disabilities (PWDs). The Act addresses critical areas such as healthcare, social support, accessibility, rehabilitation, education, vocational training, communication, and employment. It also reinforces the constitutional guarantee against discrimination, ensuring that PWDs are legally protected from exclusion and marginalization across all sectors of society. The Act also promotes their

political and social rights, laying the groundwork for their full integration into Gambian society.

93. The right to education for PWDs has been prioritized under the Education Policy 2016-2030, which works in tandem with the Persons with Disabilities Act and the provisions of the 1997 Constitution. Key measures include making educational facilities more accessible and inclusive, complemented by specific training programmes for educators. Itinerant teachers have been deployed to provide specialized instruction, supported with tools such as Braille machines and hearing aids, to accommodate the needs of students with visual or auditory impairments. These steps ensure that students with disabilities receive an education that is both inclusive and tailored to their unique requirements.

94. The National Social Protection Policy (2015-2025) integrates disability rights, ensuring that PWDs benefit from targeted support measures within the broader social safety net. This includes enhanced access to healthcare, specialized services, and financial support through social protection programmes. The policy also emphasizes the welfare and inclusion of PWDs, ensuring that they have access to the resources necessary to live dignified and fulfilling lives.

95. Challenges and areas for further support: While significant progress has been made, further efforts are needed to ensure the full implementation and enforcement of the Persons with Disabilities Act. Challenges remain in terms of resource allocation, the training of personnel, and ensuring full accessibility in all public and private facilities. International support, both financial and technical, is crucial to help The Gambia fully implement its disability rights agenda, ensuring that PWDs are integrated into all spheres of society without facing discrimination or exclusion.

96. The MoGCSW has adopted a Disability Policy 2022-2031, and a Strategic Workplan 2023-2026, to operationalise disability programmes nation-wide. In addition, there are services targeting specialised groups with need for various interventions, provided for in the Policy. In accordance with the provisions of PWDs Act, 2021, the National Advisory Council for PWDs was established in December 2022, along with its Secretariat, to ensure actualisation of the provisions of the Act.

III. New and emerging issues

A. Digital rights and cybersecurity

97. The Gambia is currently in tier 3 of Global Cybersecurity Index in the Africa Category.¹⁴ However, the country faces significant challenges in adapting to the rapid growth of digital technology and protection of data privacy. As a result, the country needs a comprehensive framework for safeguarding digital rights, for which reason the Cyber Crime Bill (CCB) 2023 and Data Protection and Privacy Bill (DPPB) 2024 were drawn up. The CCB is before the National Assembly select Committee, and the DPPB has been gazetted. International support is needed to develop implementation strategies that protect digital rights while ensuring online safety.

B. Public health emergencies and human rights

98. The COVID-19 pandemic has exposed critical gaps in The Gambia's healthcare system, particularly in its ability to respond to public health emergencies while safeguarding human rights. Vulnerable populations, including women, children, and the elderly, have been disproportionately affected. The heavily publicised 'AKI' case¹⁵ further revealed the need to build laboratories and human investigatory capacities in the country to handle cases of public health emergency in the future. International cooperation and support are crucial to building a more resilient healthcare system that can respond to future crises without compromising human rights.

C. Youth unemployment and economic empowerment

99. With one of the youngest populations in the sub-region,¹⁶ The Gambia is grappling with rising youth unemployment. The economic disruption caused by the pandemic has exacerbated this issue, with many young people unable to access job opportunities, vocational training, or entrepreneurial resources. The lack of employment prospects is creating a generation at risk of poverty and disgruntlement. The country urgently requires international assistance to implement effective programmes for youth economic empowerment and sustainable job creation and curb the incessant irregular migration and substance abuse.

D. Climate action and environmental rights

100. The Gambia is increasingly vulnerable to the effects of climate change, particularly coastal erosion, flooding, and erratic rainfall patterns, which threaten both livelihoods and food security. Coastal towns and villages in The Gambia face severe challenges in adapting to these environmental changes. The changing rainfall pattern has adversely affected farming activities in the country, consequently affecting yields and ultimately leading to food insecurity. The country has the National Climate Change Policy 2017-2024, which addresses urgent and significant climate threats. It is currently being revised. In addition, The Gambia has the Long-Term Climate Neutral Development Strategy (LTS) 2022, targeting net-zero emission by 2050. Despite these efforts, the country will gladly welcome international support in addressing these environmental challenges and protecting the rights of those most affected.

E. Cultural/intellectual property rights

101. The intangible cultural heritage and traditional medicine of The Gambia stands at a disadvantage of disappearing or misappropriation by third parties, to the detriment of the country. There is a lack of capacity in documenting the country's traditional medicine, genetic resources and folklore, in order to preserve them for posterity and provide opportunity for access and benefit sharing for pharmaceuticals patented and originating from The Gambia. The country therefore needs support to enable it to protect and preserve its cultural heritage and traditional medicine.

F. Business and human rights

102. The Gambia continues to make efforts to address concerns within the business sector. The country has been exposed to enormous illegal, unreported and unregulated fishing (IUU), illegal mining and logging, which have contributed in no small measure to insufficient fish supply and food insecurity, as well as hazardous land degradation. Overfishing and misuse of fishery resources by foreign-owned industrial trawlers, fish mills, and fish oil plants threaten the human rights of the local communities, and the country at large. The nation needs urgent help in this respect, to address human rights within the fishing and mining industries.

G. Transitional justice implementation

103. The Gambia has commenced implementation of the White Paper on the report of the TRRC. Despite the recorded progress, the government still faces challenges in terms of forensic investigation, establishment of accountability mechanisms, prosecution, witness protection, archiving, memorialisation, and other related matters. The country needs a lot of international goodwill and support in order to surmount the challenges.

IV. Challenges requiring international support

- Support to develop implementation strategies that protect digital rights, while ensuring online safety.

- Support in building a more resilient healthcare system that can respond to future public health crises without compromising human rights.
- Support to implement effective programmes for youth economic empowerment and sustainable job creation and curb the incessant irregular migration and substance abuse.
- Support in addressing environmental challenges and protecting the rights of those most affected.
- Support to enable it to protect and preserve its cultural heritage and traditional medicine.
- Support in addressing human rights within the fishing and mining industries.
- Support in order to surmount the challenges of implementing the recommendations of the TRRC.

Notes

- ¹ Aji Adam Ceesay (chairperson), Sainabou Jahateh, Isatou Camara, and Mamie Sanyang (members).
- ² At the Kairaba Beach Hotel, The Gambia.
- ³ At the Bakadaji Hotel, The Gambia.
- ⁴ Such as the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (CESCR), Optional Protocol to the Convention against Torture (OPCAT), Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP).
- ⁵ NHRC State of Human Rights in The Gambia Report 2022. Available at: https://www.state.gov/wp-content/uploads/2023/02/415610_THE-GAMBIA-2022-HUMAN-RIGHTS-REPORT.pdf ; and NHRC State of Human Rights in The Gambia Report 2023. Available at: <https://www.gm-nhrc.org/download-file/0d55c744-0c84-11ef-a991-02a8a26af761> (accessed 30/09/2024).
- ⁶ The said former Commander was found to have tortured a man. The Commission recommended compensation for the victim, removal of the Commander as head of the Anti-Crime Unit and the Police to institute training on human rights for its officers.
- ⁷ The Gambia Judiciary established the Prisons Visiting Committee in May 2023, in line with section 143(1) of the Constitution. The objective is to ensure speedy trials for prisoners. See The POINT online of May 26, 2023. Available at: <https://thepoint.gm/africa/gambia/headlines/judiciary-prisons-visiting-committee-established#:~:text=Chief%20Justice%20Hassan%20B.,accused%20persons%20in%20remand%20custody>. (accessed 02/10/2024).
- ⁸ Legal Aid Act, 2008, s.30.
- ⁹ Women's (Amendment) Act 2021; Civil Marriages (Amendment) Act 2021; Married Women's Property (Amendment) Act, 2021; Matrimonial Causes (Amendment) Act 2021; The Gambia Nationality and Citizenship (Amendment) Act 2021; Births, Deaths, and Marriages (Amendment) Act 2021; Domestic Violence (Amendment) Act 2021; Tourism Offences (Amendment) Act 2021; and Christian Marriages (Amendment) Act 2021.
- ¹⁰ Labour Act 2023, s.40 (establishment), s.46 (jurisdiction).
- ¹¹ See Appendix 1: "The Gambia's Health Service Statistics 2023."
- ¹² Children's (Amendment) Act 2016, s.24.
- ¹³ Women's Act 2010, ss.27-28.
- ¹⁴ See International Telecommunication Union (ITU), 2024.
- ¹⁵ Acute Kidney Injury that led to the death of seventy-one children in The Gambia, resulting from the consumption of four contaminated cough syrups imported from India.
- ¹⁶ See Gambia Bureau of Statistics, August 2024 for The Gambia 2024 Population and Housing Census Preliminary Report. Available at: https://gambia.unfpa.org/sites/default/files/pub-pdf/2024-09/Preliminary%20Report%20of%20the%202024%20Census%20in%20The%20Gambia_0.pdf (accessed 28/09/2024).