

**Universal Periodic Review**  
**(20<sup>th</sup> session, Oct–Nov 2014)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**The Gambia**

**I. BACKGROUND AND FRAMEWORK**

**Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	01/07/1987 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	26/05/2011 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	26/05/2011 Ratification			Right to take part in cultural life

**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**  
**Right to education**

**Constitutional Framework:**

2. The Constitution of the Republic of The Gambia (1997)<sup>1</sup>, which came into effect on 16 January 1997, “makes education a fundamental human right.”<sup>2</sup>

3. *Chapter IV* deals with the protection of fundamental rights and freedoms, and Section 30 specifically relates to the right to education, stating that “all persons shall have the right to equal educational opportunities and facilities and with the view to achieve the full realization of that right”. It also makes provision for compulsory and free basic (primary and lower secondary) education to all (Section 30a). Besides, it indicates an undertaking, by government, to make secondary education (including technical & vocational education) and higher education generally available and accessible to all, and to progressively introduce free education at these same levels (Section 30 b & c). Moreover, the Constitution calls for an encouragement or intensification of functional literacy (Section 30 d).

4. *Chapter IV* Section 29(2), dealing with children’s rights, specifies that children under sixteen shall not be employed in or be required to perform work that is likely to “interfere with their education”. Concerning the rights of disable persons, the Constitution guarantees the protection of the disabled against discrimination as regards access to education (*Chapter IV* Section 31. 2)

5. Moreover, the National Council for Civic Education (NCCE)<sup>3</sup> is created by the Constitution, as an organization aimed to provide Civic Education to the citizens of The Gambia (*Chapter XVII*).

6. *Chapter XX* of the Constitution deals with the directives principles of State Policy, the educational objectives included (Section 217). It is stated that “the State shall endeavour to provide adequate educational objectives opportunities at all levels of study for all citizens” (1). Furthermore, State policies shall endeavour to provide tuition-free basic education for all citizens (2). The State shall also “take measures to create an adult literacy programme, rehabilitative vocational training for the disabled and continuing education programmes” (4).

**Legislative Framework:**

7. The basic legislative framework for education in The Gambia is made up of:

- The *Laws of The Gambia of 1963* (Chapter 46)
- The *Education Act of 1992* provides the basis for “*the management and development of educational services in The Gambia, the registration of teachers and control of schools and to make provisions for matters connected therewith*”.<sup>4</sup>

---

<sup>1</sup> Constitution of the Republic of The Gambia (1997)

<http://www.unesco.org/education/edurights/media/docs/ff78c097a769a8e45809162ced6b60e03a9aaa7b.pdf>

<sup>2</sup> World Data on Education, VII Edition 2010/2011 – The Gambia, p. 3,

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Gambia.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Gambia.pdf)

<sup>3</sup> See NCCE Website, <http://www.ncce.gm/>

<sup>4</sup> World Data on Education, VII Edition 2010/2011 – The Gambia, p. 3,

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Gambia.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Gambia.pdf)

- The *Local Government Act of 2002* prepares the way for the management of schools at decentralized level under a new dispensation.<sup>5</sup>
- The *National Training Authority Act of 2002* provides for the organization of technical and vocational education and training.<sup>6</sup>
- The *Children's Act of 2005* “provides legal protection for children against abuse, neglect, violence and exploitation, while at the same time providing a legal basis for ensuring their welfare, dignity, normal growth and development”<sup>7</sup>.

### **Policy Framework:**

#### **- General information**

8. The Education Policy 2004-2015<sup>8</sup> “focuses on ensuring that the right to quality education for all is upheld and that Education for All, with its ramifications, and the Millennium Development Goals are achieved. The ultimate object of eliminating poverty, enhancing quality living and nurturing a learning society forms the cornerstone of this policy”<sup>9</sup>.

9. “The document outlines the aims and objectives of education in this country which are synchronized with the education-related Millennium Development Goals (MDGs), Education for All (EFA) goals, the New Partnerships for African Development (NEPAD) education-related goals and the country’s Poverty Reduction Strategy Paper (PRSP).

10. Policy priorities are identified to allow for the growth of educational opportunity and improve the effectiveness of education at all levels, from early childhood development (ECD) to tertiary and higher education.”<sup>10</sup>

11. “The Gambia as a Nation remains highly committed to developing its human resource base with priority given to free basic education for all. It is for this reason that this policy will be used as a means for the attainment of a high level of economic growth to alleviate poverty with emphasis on the critical areas for the realization of the MDGs, EFA and NEPAD. Hence, the guiding principle for education is premised on:

- i. Non-discriminatory and all-inclusive provision of education underlining in particular, gender equity and targeting of the poor and the disadvantaged groups;
- ii. Respect for the rights of the individual, cultural diversity, indigenous languages and knowledge;
- iii. Promotion of ethical norms and values and a culture of peace;
- iv. Development of science and technology competencies for the desired quantum leap.”<sup>11</sup>

---

<sup>5</sup> Ibid, p. 3

<sup>6</sup> Ibid, pp. 3-4

<sup>7</sup> United Nations Development Assistance Framework 2012-2006, The United Nations System in the Gambia and The Government of The Gambia, July 2011, p.3, accessible at:

<http://www.gm.undp.org/UNDAF%20Final%203Oct.2011.pdf> (Accessed on 23 July 2013)

<sup>8</sup> [http://planipolis.iiep.unesco.org/upload/Gambia/Gambia\\_Ed\\_Pol\\_2004-2015.pdf](http://planipolis.iiep.unesco.org/upload/Gambia/Gambia_Ed_Pol_2004-2015.pdf)

<sup>9</sup> Education Policy 2004-2015, p. 7,

<http://www.unesco.org/education/edurights/media/docs/79f17eb8c68798425eac5db0d9d9ad18db04edcd.pdf>

<sup>10</sup> Ibid, p. 8

12. To implement the Policy and realize the aims and objectives of education, two plans were adopted:

- The Education sector strategic plan 2006-2015 (ESSP)<sup>12</sup>
- The Education sector medium term plan 2008-2011<sup>13</sup>

- **Basic education**

13. Although the Constitution makes provision for compulsory and free basic (primary and lower secondary) education to all, “basic education is only “non-fee” paying, with households having to bear the educational expenses related to school lunches, uniforms, and learning materials. Consequently, basic education is not yet made compulsory.”<sup>14</sup>

- **Inclusive Education**

14. Stakeholders in the education sector met in July 2011 at the Regional Education Office Region One in Kanifing to map out agenda for special and inclusive education policy framework. The deputy permanent secretary at the Ministry of Basic and Secondary Education, Ebrima Sisawo described the programme as very timely and important as it is meant to share information on a very important document, which is the Special Needs and Inclusive Education Policy Framework, developed in 2009. He added that the aim of the document is to create a road map for the delivery of special needs in the education sector.<sup>15</sup>

- **Teachers**

15. According to EFA Global Monitoring Report 2011, "Many policies have attempted to address imbalances in teacher deployment. In some countries, incentives such as additional income or housing have been introduced for teachers willing to teach in more remote and disadvantaged regions. Under a pilot project in The Gambia, teachers in the most remote schools were able to increase their basic salary by 40%. A recent survey suggested that the incentives were having the intended effect, with newly qualified teachers showing willingness to work in schools offering these allowances".<sup>16</sup>

16. EFA Global Monitoring Report 2010 mentioned that in The Gambia, "a special allowance was introduced in 2006 to attract and retain teachers in marginalized areas, in schools more than 3 km from a main road. The allowance represents 30% to 40% of average salary. By 2007, 24% of teachers in several regions had requested transfers to hardship posts, with negligible numbers requesting transfers in the opposite direction".<sup>17</sup>

<sup>11</sup> Ibid, p. 13

<sup>12</sup> The Education sector strategic plan 2006-2015 (ESSP), accessible at:

<http://www.unesco.org/education/edurights/media/docs/fa971d6d4f10e3f432e48e782004dd80cb0263ae.pdf>

<sup>13</sup> The Education sector medium term plan 2008-2011, accessible at:

<http://www.unesco.org/education/edurights/media/docs/5fab91e54f33d11e352c6301e22615c445aac10.pdf>

<sup>14</sup> IBE, World Data on Education, VII Edition 2010/2011 – The Gambia, op. cit., p. 3

<sup>15</sup> <http://observer.gm/africa/gambia/article/stakeholders-map-out-agenda-for-special-needs-and-inclusive-education-policy-framework>

<sup>16</sup> EFA Global Monitoring Report 2011, p.93, accessible at:

<http://unesdoc.unesco.org/images/0019/001907/190743e.pdf> (Accessed 28 August 2013)

<sup>17</sup> EFA Global Monitoring Report 2010, p.198, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf> (Accessed 28 August 2013)

**Cooperation:**

17. The Gambia is not party to the 1960 UNESCO Convention against Discrimination in Education.

18. The Gambia did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States, 2001 (covering the period 1994-1999)
- Seventh Consultation of Member States, 2007 (covering the period 2000-2005)
- Eighth Consultation of Member States, 2013 (covering the period 2006-2011)

19. The Gambia reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the Fourth Consultation of Member States (covering the period 2005-2008). However, The Gambia did not report to UNESCO within the framework of the recent Fifth Consultation (2013) (covering the period 2009-2012)

20. The Gambia did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the First Consultation (1993). However, it reported to UNESCO within the framework of the Second Consultation (2011).

21. The Gambia is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### **Constitutional and Legislative Framework:**

22. Freedom of expression and the press are guaranteed under Article 25 of the Gambian Constitution (1996, amended in 2001).<sup>18</sup>

23. The Information and Communications Act (2009) requires broadcasters to obtain a license to operate, although the process allowing for this does not meet international standards of independent regulation as the Minister for Information and Communication has the power to grant or deny license. In July 2013, the government passed an amendment to the Act that imposes up to 15 years' imprisonment and/or a monetary fine on any individual convicted of using the Internet to spread false news or make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials.<sup>19</sup>

---

<sup>18</sup> <http://www.ilo.org/dyn/travail/docs/1952/GMB48490.pdf>

<sup>19</sup> <http://allafrica.com/stories/201307171669.html>

24. Defamation is a criminal offence under Sections 178-181 of the Gambian Penal Code (1933)<sup>20</sup>, carrying imprisonment for a minimum term of one year and/or a monetary fine. Section 181A states that the offence of false publication and broadcasting, is punishable by a minimum of one year's imprisonment and/or a monetary fine.<sup>21</sup> The publication and distribution of seditious material as well as the uttering of seditious words are also considered crimes under Section 52, carrying a penalty of a monetary fine and/or a jail term of not less than one year.<sup>22</sup>

25. A freedom of information law does not currently exist in the country.

#### Media Self-Regulation:

26. Media self-regulation mechanisms exist in the country through organization such as the Gambia Press Union (GPU).<sup>23</sup>

#### Safety of Journalists:

27. UNESCO recorded no killing of journalists in Gambia between 2008 and 2012. However, journalists are reportedly intimidated and threatened as in the case of journalists Abubacarr Saïdykhan and Baboucarr Ceesay who received several death threats in 2012. In 2010, the ECOWAS court ordered Gambia to pay compensation to journalist Musa Saïdykhan who was arbitrarily detained and tortured by the State authorities for three weeks in 2006. Foreign journalists are also reportedly denied entry to the country including British journalist, Thomas Fessy who was detained in the airport and subsequently denied entry into the country in 2012<sup>24</sup>.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

28. The Constitution of Gambia (1997, amended in 2001) guarantees academic freedom in Article 25 (1)(b):

- Article 25. Freedom of speech, conscience, assembly, association and movement

---

<sup>20</sup> [http://www.ilo.org/dyn/natlex/docs/SERIAL/75289/107490/F973061365/GMB75289%20pp%201284\\_1316.pdf](http://www.ilo.org/dyn/natlex/docs/SERIAL/75289/107490/F973061365/GMB75289%20pp%201284_1316.pdf), insertion of the 2005 amendment:

<http://www.ilo.org/dyn/natlex/docs/SERIAL/75299/78264/F1686462058/GMB75299.pdf>

<sup>21</sup> <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN004895.pdf>

<sup>22</sup> [http://www.ilo.org/dyn/natlex/docs/SERIAL/75289/107489/F1079042199/GMB75289%20pp%201252\\_1283.pdf](http://www.ilo.org/dyn/natlex/docs/SERIAL/75289/107489/F1079042199/GMB75289%20pp%201252_1283.pdf)

<sup>23</sup> <http://www.chss.iup.edu/certj/cees07.htm>

<sup>24</sup> <http://www.bbc.co.uk/news/magazine-19577327>

(1) Every person shall have the right to (...) (b) freedom of thought, conscience and belief, which shall include academic freedom (...)<sup>25</sup>.

### **Right to life, liberty and security of the person**

#### Violence against women

29. Co-operation: In 2011-2013, two case studies were undertaken within the framework of a joint project of UNESCO, UN Women and CODESRIA on “Violence against Women and Gender-Based Violence in the Gambia”, focused on the central River Region and North Bank of the Gambia and prepared by Dr Isatou Touray, and “Women’s Social Movement in West Africa: Gambian Women on The Move<sup>26</sup>, prepared by Siga Jagne. The studies were conducted in collaboration with civil society organizations, according to the method of SWOT analysis that identifies strengths, weaknesses, opportunities and threats of a category of people in a given area: in this case, the social movement of women and gender-based violence. The studies provide evidence that inadequate human resource capacity and limited coordination of intervention continues to undermine efforts in accelerating the empowerment of women movements in The Gambia<sup>27</sup>.

### **III. RECOMMENDATIONS**

30. In the Report of the working group on the Universal Periodic Review of 24 March 2010<sup>28</sup>, the following recommendations were made to The Gambia regarding education:

31. Recommendations which enjoyed the support of The Gambia

- *14. Favourably consider the requests for country visits of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Belarus)*
- *30. Step up measures to comprehensively address the problem of violence against women, including FGM, by expediting the enactment of the Women’s Bill, and by implementing social, educational and legal safeguards and increasing public awareness campaigns to sensitize the community on the issue (Malaysia);*

---

<sup>25</sup> [http://www.chr.up.ac.za/images/files/documents/ahrdd/thegambia/thegambia\\_constitution\\_extracts.pdf](http://www.chr.up.ac.za/images/files/documents/ahrdd/thegambia/thegambia_constitution_extracts.pdf).

<sup>26</sup> For more information, please see: <http://allafrica.com/stories/201302230518.html>; and [http://www.unesco.org/new/en/media-services/single-view/news/gambia\\_hosts\\_workshop\\_on\\_violence\\_against\\_women\\_in\\_west\\_africa/back/18256/](http://www.unesco.org/new/en/media-services/single-view/news/gambia_hosts_workshop_on_violence_against_women_in_west_africa/back/18256/).

<sup>27</sup> <http://thenorthbankeveningstandard.blogspot.fr/2013/02/inadequate-capacity-undermines-women.html>.

<sup>28</sup> UPR - Report of the working group <http://www.upr-epu.com/files/160/G.E.pdf>

- 42. *Take adequate measures to combat illiteracy and poverty (Djibouti);*
- 47. *Multiply efforts to expand the coverage of education and expand services to include the disabled (Libyan Arab Jamahiriya);*
- 48. *Increase level of education to cover disabled children (Kyrgyzstan);*
- 49. *Continue applying the measures adopted with a view to achieving the proposed goals relating to education (Cuba);*
- 50. *Continue efforts to promote education for the good of all (Kuwait);*
- 51. *Strengthen national education programmes in favour of girls and persons with disabilities (Niger);*
- 53. *Promote human rights education and training in all types of education, as well as for public officials in order to generate a greater understanding about human rights and help cultivate a human rights culture within the society (Thailand);*

32. Recommendations considered by the Gambia as being already implemented or in the process of implementation:

- *Consolidate efforts to improve educational infrastructure at secondary, tertiary and higher education levels to ensure equitable access and quality education for all (Pakistan);*
- *7. Elaborate a development plan with a view, inter alia, to eradicate extreme poverty and hunger as the most daunting challenge of the country, and to provide access to education, health care for all its citizens, particularly women and children (Iran).*

33. The position of the Gambia is not clear regarding the following recommendations:

- *14. Adopt and implement legislation prohibiting Female Genital Mutilation (FGM), and ensure that offenders are prosecuted and punished, and take legal and education measures to combat this practice (Slovenia);*
- *20. Allocate the necessary resources to ensure the appropriate functioning of the National Council on Civic Education (Angola);*
- *26. Extend an open and standing invitation to Special Procedures of the Human Rights Council and respond positively to visits requests issued by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Spain);*
- *40. Introduce legislation criminalizing FGM and domestic violence and launch an awareness and education campaign as part of implementing the legislation (Canada);*



- 42. *Take all necessary social, educational and legal measures to eliminate the practise of FGM (Italy);*
- 50. *Take effective measures to make primary education free, enhance the quality of education, improve the literacy rate and increase enrolment in schools by abolishing or rationalizing tuition fees at all levels of the educational system as recommended by the Committee on the Rights of the Child (Turkey).*

34. Analysis: The Gambia has showed appreciable efforts to expand the coverage of education, by targeting the imbalances in teachers' deployment with incentives introduced to encourage them to teach in remote regions. The issue of inclusive education is also being addressed and work is underway. There has been no report made to UNESCO on initiatives to promote human rights education.

#### Specific Recommendations on the right to education for the 2<sup>nd</sup> UPR cycle:

35. The Gambia should be strongly encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
36. The Gambia should be encouraged to submit regular state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
37. The Gambia could be encouraged to further its efforts to implement constitutional provisions providing for free and compulsory education, and to make sure to remove all costs of schooling for parents, including expenses related to school lunches, uniforms, and learning materials.
38. The Gambia could be encouraged to continue to take measures to improve teachers' working and living conditions and to reduce imbalances in teacher deployment within the territory.

#### **Freedom of opinion and expression**

39. The Gambia is encouraged to introduce a freedom of information act that is in accordance with international standards.
40. The Gambia is encouraged to decriminalize defamation in its Penal Code and place it within the civil code. Similarly, the Information and Communications Act (2009) should decriminalize freedom of expression offenses. "False news" and insult provisions should be removed as incompatible with international standards.
41. The Gambia must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights. The country must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

**Freedom of scientific research and  
the right to benefit from scientific progress and its applications**

42. With regard to contribution of science and technology to development, the Gambia is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.