

# UPR 3rd Cycle: UNCT<sup>1</sup> Gambia inputs to the UN Compilation

## I. Background and framework

- 1) The Gambia started a transitional period following the presidential elections in December 2016. Since then, the Government of the Republic of The Gambia (GoTG) started addressing past human rights abuses and building institutions and processes aimed at strengthening the promotion and protection of human rights. Consequently, the government set-up a Constitutional Review Commission (CRC), a Truth, Reconciliation and Reparations Commission (TRRC) and a National Human Rights Commission (NHRC), and initiated numerous legislative and sectoral reform processes, including in the judicial, law enforcement and security sectors.
- 2) **(Rec. 109.2)** Since the 2<sup>nd</sup> cycle of UPR, the GoTG ratified The Convention on the Rights of Persons with Disabilities (CRPD) in 2015 and Convention Against Torture (CAT) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2), Convention for the Protection of All Persons from Enforced Disappearance (CED), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) in 2018. But there are treaties that the GoTG is yet to ratify, namely: Optional Protocol of the Convention against Torture (CAT-OP), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) and The International Labour Organization (ILO) Protocol of 2014 to the Forced Labour Convention and Conventions Nos. 97, 143, 102, 169, and 189.
- 3) In its National Development Plan (NDP2018-2021), the GoTG plan to build a modern and accountable state based on the foundations of democracy, good governance and respect for human rights for all.
- 4) The United Nations Development Assistance Framework (UNDAF) outlines the strategic direction and results expected from cooperation between the GoTG and the UN Country Team (UNCT) for the period 2017-2021 and includes strategic support in building capacity to implement reforms and legislations to ensure rule of law that guarantees people their human rights, such as access to justice, right to equality and non-discrimination, gender equality, basic social services and democratic participation in decision-making processes.<sup>2</sup> The UN PBSO is supporting the transitional justice process in The Gambia through projects focusing on the TRRC, the NHRC and the Human Rights and Constitutional Affairs Committee in the National Assembly.

## II. Cooperation with human rights mechanisms

- 5) With the change in political regime in January 2017, the GoTG has been more actively engaged with UN Human Rights Mechanisms, in particular with UN Special Procedures. As a result, the UN Special

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<sup>1</sup> UNAIDS, IOM, UNDP, UNFPA, UNODC, OHCHR, UNICEF, FAO, ITC, UNOPS, UNESCO, UNIDO, WFP, UNHCR, ILO, RC Office.

<sup>2</sup> UNDAF The Gambia 2017-2021, p. 11.

Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (SR Truth) has been particularly implicated in the transitional justice process including by providing technical advice for the establishment of the TRRC. In addition, The Working Group on Enforced or Involuntary Disappearances (WGEID) carried out an official visit in June 2017. The forthcoming visits of the UN Special Rapporteur on the sale and sexual exploitation of children and of the SR Truth end of 2018 show that the engagement with Human Rights Mechanisms by the GoTG is steady and open.

- 6) As far as its engagement with UN Treaty bodies is concerned, The Gambia was reviewed by the Human Rights Committee (HRC) in the absence of a report under the CCPR in July 2018. Ahead of the interactive dialogue, and with the active support from UN, the Gambia engaged to present replies to the list of issues submitted by the HRC to facilitate the review. UN efforts also enabled the presence of an enhanced Gambian delegation in Geneva for the interactive dialogue with the HRC in July 2018. This directly resulted in an enhanced interactive dialogue according to the HRC secretariat. Gambia is still late in its reporting under CERD, CESC and CRPD.
- 7) GoTG is working towards the formalization of its inter-ministerial task force acting as National Mechanism on Reporting and Follow-up (NMRF).
- 8) UN noted with deep concern that, for the seventh year, the reports due on ratified Conventions have not been received. Eight reports are now due on fundamental Conventions, which should have included information in reply to the Committee's comments.<sup>3</sup>

### III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### A. *Equality and non-discrimination*

- 9) (Rec 109.22) The GoTG ratified the OP-CEDAW in November 2010 but to operationalize the protocol, the Sexual Offences Act (2013) and Domestic Violence Act (2013) were enacted. Since the ratification, however, progress has been limited to the formulation of policies and enactment of laws and not much priority has been given to effective implementation, enforcement and monitoring. Sexual harassment is prevalent but not commonly reported due to discrimination, social stigma, and unwillingness to challenge the offenders due to unequal power relationships and fear of reprisal. To address these challenges, the Attorney General's Chambers established a gender unit in November 2018 to train police officers, prosecutors and other law enforcement agents on all Laws relating to gender and gender-based violence (GBV) in The Gambia. UN continued to build the capacities of service providers by training police officers in gender and sexual and gender-based violence and supported the creation of Gender and Child Welfare units in all the police stations to address GBV cases.
- 10) The UN asked the Government to take steps to include legislative protection against sexual harassment explicitly defining and prohibiting both *quid pro quo* and hostile environment sexual harassment, and

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<sup>3</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3958931](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3958931)

providing for appropriate remedies including reinstatement, and to take measures in order to raise awareness, with the aim of better preventing the sexual harassment in employment and occupation.<sup>4</sup>

- 11) **(Rec 109.43-48)** In 2015, the GoTG enacted legislation against Female Genital Mutilation (Women's Amendment Act 2015) and the practices are now illegal and criminalized. The law stipulates imprisonment of not more than three years, a fine of D50,000 (\$1,055), or both, for anyone convicted of circumcision of a female child; if the child dies, the penalty for conviction is life imprisonment. Failure to report the practice may lead to a fine of D10,000 (\$211).
- 12) UN provided technical and financial support in the drafting of the anti-FGM Bill, which was used to amend the Women's Act of 2010. It continued to support sensitization activities on the law through community outreach meetings, workshops and the use of the print and electronic media targeting. It also supported capacity building trainings for implementing partners of the FGM programme on monitoring and evaluation, results-based management reporting and financial management for effective programme implementation and reporting. However, even with the ban, the practice continues with some communities making public declarations to continue it.
- 13) **(Rec. 109.80-81, 109-84, 109-96)** Women empowerment remains a priority of the country through the implementation of the National Gender and Women's Empowerment policy (2010-2020). The implementation of the policy was led by government and supported by CSOs, UN and other development partners.
- 14) Participation of women in politics, however, has suffered major setbacks and their representation in the executive has dwindled even though they constitute 58% of the voter population. No laws limit participation of women in the political process, however, evidence suggested that cultural constraints limited women's participation in politics- men greatly outnumbered women in the cabinet and parliament. UN provided support to female political candidates for the national assembly elections in 2017 and the local elections in 2018 to strengthen their capacities and stimulate political parties to look within and engender instruments that can break the barriers to women's political participation. Under the Elections project, UN collaborated with the Women's groups to build the capacity of women to take part in decision-making and provided funding for training of 169 women in leadership and confidence building.
- 15) In light of poor performance of women in public procurement, UN provided support to the Gambia Chamber of Commerce and Industry (GCCCI). Market driven skills training programmes led to 760 new jobs benefitting 456 women, and 2250 livelihoods with 1300 women benefitting.
- 16) A gender assessment of key employment and entrepreneurship policies was carried out in 2018. The assessment highlighted a gap in the policy formulation process, which has resulted in many policies formulated by the Ministry of Trade being either gender blind or neutral.
- 17) **(Rec 109.82)** The issue of Women Peace and security which remained dormant in previous regime is given focus in the new NDP. UN has worked with the Women's Bureau to design a programme to be implemented soon. The National Action Plan on Women Peace and Security have not been reviewed since 2012.

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<sup>4</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3962431:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3962431:NO)

- 18) **(Rec 109.84)** Within the NDP, UN is ensuring the promotion of women’s rights by mainstreaming of gender in all new projects. A Gender assessment of the security sector was conducted as well as gender training of all security sector personnel.
- 19) **(Rec 109.96)** In light of the ongoing review of the National Constitution, UN supported the Women’s group to conduct a gender consultative review of the constitution, which led to the drafting of a position paper articulating the views of women.
- 20) UN contributed to and supported the civil society consultations on women and the transitional justice process resulting in putting in place a Platform for CSOs working on gender issues and a position paper, which was later presented to the Government. The document highlighted the special needs to women victims under Jammeh regime and proffered how to handle the women’s cases during the TRRC, considering the cultural implications and societal challenges faced by women. However, representation in the TRRC is not gender-balanced as there are only 4 women out of 11 members serving as members.
- 21) **(Rec. 109.49-50, 109.52-53, 109.55-56, 109.97, 109-100) Provisions** in the Criminal Code that criminalize same sex relations between consenting adults are yet to be repealed. In October 2014, a law was approved that foresees sentences up to life imprisonment for “aggravated homosexuality” offences.<sup>5</sup> LGBTI people continue to suffer discrimination and stigmatization. The State arrested and detained 12 alleged homosexuals and the fleeing of others to Senegal. UN together with other partners supported the provision of legal services to them that eventually led to their release. The UN system in The Gambia will continue to advocate for non-introduction and/or repeal of any legislations that criminalize sexual activities between consenting adults and support measures to prevent any form of discrimination against LGBTI people and people living with HIV (PLHIV).
- 22) UN supported the development and the enactment of the first HIV and Aids Prevention and Control Act in 2015 and also supported sensitization campaigns across the country for key stakeholders to raise awareness on HIV/AIDS and provisions of the Act. The enforcement of the provisions has commenced. The existence of the legislation on HIV/AIDS is an important milestone in addressing Human Rights, stigma and discrimination for the PLHIV community
- 23) The UN asked the Government to adopt legislative protection against direct and indirect discrimination at all stages of employment and occupation based on, as a minimum, race, colour, sex, religion, political opinion, national extraction and social origin. Legislation should include provisions establishing dissuasive sanctions and appropriate remedies in cases of discrimination.<sup>6</sup> UN also asked the Government for information on any steps taken to include domestic workers and any other excluded groups under the protection of the Labour Act, and on the manner in which workers are excluded from the Labour Act.<sup>7</sup>

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<sup>5</sup> Gambia Criminal Code (Amendment) Act, 25 August 2014

<sup>6</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3962434:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3962434:NO)

<sup>7</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3962431:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3962431:NO)

## **B. *Rights to life, liberty and security of the person***

- 24) **(Rec 109.107-109, 109.3-5, 109.6-7)** On 19 February 2018, President Barrow announced a moratorium on the death penalty. On 28 September 2018, the Gambia ratified the CCPR-OP2-DP regarding the abolition of the death penalty. However, even though such convention is yet to be domesticated, presently, as part of the Constitutional Review process, government members, community stakeholders and citizens are debating the reinstatement of the death penalty which would be a serious setback.
- 25) **(Rec 109.111-112)** The Gambian prison system has suffered from years of neglect and under-investment. Conditions of detention are poor and overcrowded whereas during the previous government, the prison system suffered from a poor reputation with allegations of human rights abuses. Citizens spend prolonged periods in pre-trial detention with some individuals there up to five years awaiting trial. 225 out of 700 inmates are on remand. There are also outdated legal frameworks for the Prison Service with insufficient options for alternatives to imprisonment or rehabilitation of convicted prisoners.
- 26) The UN urged the Government to take the necessary measures to ensure that no prison sentences involving compulsory labour are imposed on persons who express political opinions or views opposed to the established political, social or economic system.<sup>8</sup>
- 27) The Ministry of Justice is leading the revision of the Criminal Code and Criminal Procedure Code. This may also reduce prison overcrowding, as the offenses and sentences will be revised.

## **C. *Prohibition of Slavery, Trafficking***

- 28) The GoTG enacted the *Trafficking in Persons (TiP) Act* in 2007, with amendments in 2010. The Gambia does not fully meet minimum standards for the elimination of TiP and has remained on the Tier 2 Watch List for the second consecutive year.<sup>9</sup> Nonetheless, through its National Agency Against Trafficking in Persons (NAATIP), there have been significant efforts made toward identifying and providing services to victims of trafficking (VoTs).
- 29) The Ministries of Justice and Interior are engaged in a legislative process to enhance the national legal framework related to the smuggling of migrants, with the support of UN through the project PROMIS (Protection of Migrants). The enhanced legal framework will assist in clarifying the differences between trafficking in persons and smuggling of migrants and to respond to human rights violations experienced by migrants including trafficking. Furthermore, operational support is provided to law enforcement and judicial actors in order to enhance the detection, investigation and prosecution of smuggling cases with specific focus on human rights of migrants.

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<sup>8</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3963716:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963716:NO)

<sup>9</sup> United States Trafficking in Persons Report 2018

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

- 30) **(Rec 109.110, 109.118)** During the former President Jammeh regime, torture and cruel, inhuman or degrading treatment were common practice. However, the current Government took positive steps to investigate all complaints of torture during the years of dictatorship to seek accountability, fight impunity and offer redress to victims. The TRRC was established by Act of the National Assembly in December 2017. On 15 October 2018, the TRRC Commissioners were appointed and sworn into office. The Commission is fully operational and started to take statements from all victims and perpetrators on various human rights violations including torture and cruel, inhuman or degrading treatment. Investigations have been carried out and public hearings started early January 2019. A series of 8 public hearings are planned for 2019.
- 31) The UN urges the Gambia to domesticate without delay the CAT by criminalizing torture in the new Criminal Code. Moreover, the Gambia should ratify the CAT-OP and establish an independent National Preventive Mechanism (NPM) to conduct inspections of all places of detention and closed environments. In addition to the NPM, State Parties should agree to international inspections of places of detention by the United Nations Subcommittee on the Prevention of Torture (SPT). The SPT engages with states on a confidential basis and cannot publish reports and recommendations unless under agreement with the State Party. Furthermore, people who provide information to the SPT may not be subject to sanctions or reprisals. It is also important to implement TRRC recommendations pertaining to cases of torture.

**E. *Administration of justice, including impunity, and the rule of law***

- 32) **(Rec 109.69-77)** In December 2017, the National Assembly passed the NHRC Act and adopted the TRRC Act. The TRRC Act aims at the establishment of the historical record of human rights violations during the period July 1994 to January 2017, and the reparation of victims. The NHRC started its work in February 2019.
- 33) **(Rec 109.128-133, 109.136)** Under the previous regime, the Judiciary was under the direction of the executive and experienced a weakening of its authority and independence. There was limited public confidence in the judiciary, as former President Jammeh dispensed crude justice by throwing opponents in prison, and often determining publicly their sentences. Justice delivery has been slow, and there has been a marked deficit in access to justice. The perception of a compliant judiciary was exacerbated by the role played by the judiciary in trying to extend the President's tenure after he rejected the election result. In addition, due to large capacity gaps, courts appointed a large number of judges from neighboring commonwealth countries. The re-appointment of some of these judges under local contracts under the new Government has led to protests by the Gambia Bar Association (GBA) that has been boycotting the High Court.
- 34) Under the new government and Chief Justice, the Judiciary is working to strengthen its institution and personnel as well as to assert its independence. The Judiciary is now developing its Strategic Plan which will further shore up its stature as an independent branch of government.

35) Judicial integrity and transparency of the Judicial system are the object of Article 11 of the United Nations Convention against Corruption. The implementation of this article in The Gambia will be assessed in 2020, within the framework of the second cycle of the Implementation Review Mechanism of the Convention, supported by UN. On this occasion, recommendations to ensure implementation will be formulated.

36) The fight against corruption is key to end impunity. The Gambia received and agreed on the recommendations received in the context of the first review cycle of the Corruption Convention on chapters III and IV of the Convention. UN has supported the drafting of the Anti-corruption Bill. It is recommended that The Gambia ensures the minimum set of corruption offences as enshrined in the Convention are contained in the Anti-corruption Bill or in the Criminal Code.

***F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life***

37) Appreciable cooperation with international and regional human rights bodies to improve the situation of freedom of expression amongst media practitioners has been recorded during the period. It has been manifested by the unimpeded expression of their views and opinions without fear of victimization contrary to the repressive years of the Jammeh regime. The emergence of news outlets in 2016 including 18 media houses, a private television station, which serves as the country's second TV station since independence and 2 newspapers lend credence to this development.

37) **(Rec 109.134)** The implementation of ECOWAS Court Rulings on the Disappearance of journalists Manneh and Hydera is impressive. The Gambia Press Union (GPU) with support from the Media Foundation for West Africa (MFWA) had triggered government fulfilment of its commitment of the judgments of the ECOWAS Court of Justice in which it ordered the government to compensate and pay \$50,000 to Deyda's, and US\$100,000 to Chief Manneh' families.

38) **(Rec. 109.57-59)** Certain challenges to freedom of expression, however, continue to exist. While the Supreme Court in January 2017 has declared general legal reforms aimed at strengthening freedom of expression, and the government has established a National Media Law Review Committee, to "review all existing media laws that are inimical to freedom of expression, the Attorney General and Minister of Justice in June 2017 at the Constitutional Court conceded that sedition false publication, broadcasting and criminal defamation including false publication on the internet as constitutional.<sup>10</sup> A repressive false news legislation is yet to be fully amended. It remains a crime under the Information and Communication Act 2013<sup>11</sup> and described it as a reasonable restriction is necessary in a democracy.<sup>1213</sup> In October 2017, the leader of the opposition APRC was interrogated by the police on

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<sup>10</sup> Gambia gov't concedes sedition is unconstitutional," SMBC New, June 2017 <http://ow.ly/GonC30e1sbu>; accessible at <https://freedomhouse.org/report/freedom-net/2018/gambia>.

<sup>11</sup> false news law punishes people for using the internet to criticize, impersonate, or spread false news about public officials with up to 15 years in prison, fines of up to GMD 3 million (about US\$100,000),

<sup>12</sup> Demba Kandeh, "New Internet Law in The Gambia Puts Gag on Government Criticism," Global Voices, July 12 2013, <https://globalvoices.org/2013/07/12/new-internet-law-in-the-gambia-puts-gag-on-government-criticism/>, accessible at <https://freedomhouse.org/report/freedom-net/2018/gambia>.

<sup>13</sup>Essa Njie ( May 18, 2018) ' The Gambia's human rights situation in relation to freedom of expression: Achievements and Challenges' Accessible at <https://www.lawhubgambia.com/lawhug-net/wwwlawhubgambia.com/safeguarding-freedom-of-speech-gambia> on 25th February, 2018.

an accusation of victimization of his party supporters by the coalition government.<sup>14</sup> Similarly, in late January, the party's spokesperson was also arrested and questioned by the police in relation to a comment he made regarding the release of party supporters in detention.<sup>15</sup> The Government must expend efforts to remove and or amend draconian legislations on freedom of expression of human rights defenders, journalists and members of the political opposition from its law books.

- 39) It is also important to suggest the following actions to the Gambia: i) Ensure that The Gambia's new constitution under making is aligned and compliant with standards of international treaties/conventions that promote and respect freedom of expression; ii) Repeal all repressive laws including the Information and Communication Act; iii) Revise/amend to decriminalize sections of Sedition against the President; and iv) Revise/amend to decriminalize the Official Secrets Act, Children's Act, Women's Act, Sexual Offences Act, Domestic Violence Act, Terrorism Offences Act.
- 38) The UN urged the Government to take the necessary measures to amend the Labour Act of 2007 in conformity with Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, and to bring the legislation in conformity with Convention No. 98 concerning The Application of the Principles of the Right to Organise and to Bargain Collectively.
- 39) **(Rec 109.143-144)** Since the alternation of power in January 2017, human rights defenders (HRD) are enjoying in The Gambia in general the freedom to exercise their activities without harassment or intimidation. Few instances of intimidation of HRDs have taken place. The arrest of a university professor and an incident involving the death of unarmed civilians in clashes with police in Faraba in 2018 triggered a public outcry. The GoTG should continue effort to maintain, in law and in practice, a safe and enabling environment, in which human rights defenders can operate.
- 40) **(Rec 109.64)** Freedom of Information is the object of Articles 10 and 13 of the United Nations Convention against Corruption. The implementation of these articles in The Gambia will be assessed in 2020, within the framework of the second cycle of the Implementation Review Mechanism of the Convention, supported by UN. In August 2017, UN convened national stakeholders to discuss a Freedom of Information Bill for The Gambia, which is currently being finalized. It is important to suggest to the Gambia to ensure that The Gambia's new constitution, should be aligned with international standard that respect freedom of the press, transparency and access to information.

#### **G. *Right to work and to just and favorable conditions of work***

- 41) The UN considered that section 33(2) of the Constitution, which prohibits discriminatory laws, while important, does not encompass the principle of equal remuneration for men and women for work of equal value, and asked the Government to include provisions in national legislation to ensure the effective implementation of such right.
- 42) The UN requested the Government to provide information disaggregated by sex and age on the worst forms of child labour, including on the number and nature of infringements reported, investigations,

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<sup>14</sup> *ibid.*

<sup>15</sup> *ibid.*

prosecutions, convictions and penal sanctions applied, and to take the necessary measures to ensure that sufficient data on the situation of working children in The Gambia was available.<sup>1617</sup>

#### H. *Right to social security and to an adequate standard of living*

43) **(Rec 109.151)** Economic growth had registered an average of 4.2 percent (2012-2016) and grew to 4.6 percent in 2017 and 6.5 percent in 2018 (expected). Per capita income has also grown to US\$ 680. Despite all the achievements, however, poverty still increased from 48.4 percent in 2010 to 48.6 percent in 2016. Unemployment also increased from 29 percent in 2012 to 32.4 percent in 2018. Economic growth was not inclusive but instead consolidated inequalities and marginalization. The current NDP bears a lot of hope to address the imbalances by embarking on various development programmes aimed at tackling poverty and unemployment in the country.

44) **(Rec 109.149)** UN provides social and economic infrastructure such as access to energy for poor off-grid communities to boost their economic opportunities and empowerment. UN supported the formulation of the National Employment Plan 2008-2018 and is currently supporting the formulation of a successive employment policy and action plan for 2019-2028. The formulation and implementation of an employment enhancing policy and strategic plan is a key output of the current NDP. The UN has been supporting the rehabilitation of feeder roads and other infrastructural activities to strengthen rural development in the country

45) **(Rec 109.153)** UN supported the formulation, implementation and monitoring of the last NDP called Programme for Accelerated Growth and Employment-(PAGE 2012-2016). The plan focused on accelerating growth and creating opportunities for employment, creation of wealth and poverty reduction.

46) **(Rec 109.155)** UN supported the GoTG in the formulation of the first national social protection policy and action plan which was adopted by cabinet in February 2016. The policy established a national framework for effective coordination and monitoring of social protection programmes in the country.

#### I. *Right to health*

47) The Gambia's former national blueprint (PAGE) provided for improved access to social amenities for poverty reduction. Its successor, the NDP 2018-2021, has also identified, as one of its eight strategic priorities, the need for improved education and health services and for building a caring society.'

48) UN supported the development and the enactment of the first HIV and Aids Prevention and Control Act in 2015. The enforcement of the provisions of the Act have commenced. The existence of the legislation on HIV/AIDS is an important milestone in addressing Human Rights, stigma and discrimination for the PLHIV community

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<sup>16</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3963290:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963290:NO)

<sup>17</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3963415:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963415:NO)

- 49) UN recognizes that migration and individual and public health mutually impact each other. In particular, with an increased number of stranded migrants who have voluntarily returned to The Gambia, a holistic approach to reintegration must include the basic right to access healthcare. This includes adequate nutrition, sanitation and housing. UN recommends the development of vigilant disease surveillance—in the form of a comprehensive health border management system compliant with international health regulations.
- 50) UN places further emphasis on the trauma migrants may face upon returning from difficult journeys, with added stigma making them more vulnerable. The *Gambia Mental Health Policy*, in conjunction with the five-year action plan, is part of the overall effort to address such issues.<sup>18</sup> While such efforts are commended, the capacity of authorities to provide mental health and psychosocial support (MHPSS) remains a challenge due to limited financial capacity.
- 51) **(Rec 109.160)** On maternal health services delivery, UN supported the provision of emergency obstetric care services in major facilities throughout the country. The supply chains are strengthened to reduce the reports of stock-outs on important drugs. The ministry was supported to formulate a National Referral Protocol to facilitate referrals in the health care delivery system. UN supported the conduct of fistula repairs and provided assistance to flood victims through the provision of Dignity Kits. Adolescent Youth Friendly Centers were supported to provide Youth Friendly SRH services. UN also supported Voluntary counseling and testing services for young people through the youth centres and through community outreaches.
- 52) On family planning, UN supported the development of the National Family Planning Policy 2019 – 2026. The policy aims to increase visibility to family planning as a strategy for national development and provides the necessary guidance on family planning issues anchored on the right's-based approach.

## J. *Right to education*

- 53) Considering that education contributes to preventing the engagement of children in the worst forms of child labour, the CEACR requested the Government to intensify its efforts to improve the functioning of the education system through measures aimed at increasing the enrolment and attendance rates at the primary and secondary levels with a view to preventing children under 14 years of age from being engaged in work.<sup>19,20</sup>
- 54) The fulfilment of the potentials of young people particularly girls is negatively affected by early marriage, early child bearing, high prevalence of sexual and gender base violence including FGM which affects their sexual and reproductive rights. With support from UN, the Ministry of Basic and Secondary Education developed a National Curriculum on Comprehensive Sexuality Education to reduce these negative consequences. This is supported by capacity building of teachers on CSE to deliver them as part of the core taught subjects.

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<sup>18</sup> The Gambia Mental Health Policy 2016

<sup>19</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3963415:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963415:NO)

<sup>20</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3963290:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963290:NO)

#### **K. *Persons with disabilities***

- 55) (Rec. 109.37) UN supported the domestication of the CRPD leading to the formulation of bill on the rights of persons with disabilities that will ensure that persons with disabilities are free from all forms of discrimination and social exclusion. The bill was presented to cabinet by the relevant ministry and is yet to be enacted by the National Assembly. UN continue to advocate and sensitize stakeholders on the Convention and for the National Assembly of The Gambia to domesticate the CRPD into law via the Disability Bill.
- 56) Currently, UN is providing support for the strengthening the capacities of the Gambia Federation of the Disabled Secretariat for greater service to its membership and advocacy and lobbying functions.

#### **L. *Migrants, refugees, asylum-seekers, and internally displaced persons***

- 57) The Gambia ratified the CMW and has included principles of the Convention in the final draft of the *National Migration Policy*. The Policy specifically contains an objective on the “promotion and protection of the rights of labor migrants and their families, including combating discrimination and xenophobia.” The Gambia has become a destination for other ECOWAS citizens in search of employment of opportunities. In this regard, and according to the Labor Force Survey of 2012, nearly 7 percent of residents in The Gambia are citizens of other ECOWAS Member States looking for employment in mostly urban areas of the country. This indicates the relative openness and accommodating culture of the country to foreign migrant workers. However, the task of institutionalizing the already liberal approach to migrant workers is yet to be accomplished. IOM recommends the domestication of the Convention through the ongoing revision of the *2007 Labor Act*. UN, through the PROMIS project, foresees to support The Gambia in the domestication of the CMW.
- 58) In the face of increased internal armed conflict, weather-related disasters, terrorist attacks and ever-growing migration challenges, the number of migrants, asylum-seekers, internally displaced persons (IDPs) and stateless persons continues to increase in The Gambia. Through its Refugee Act<sup>21</sup> established the Gambia Commission for Refugees, which was tasked with coordinating all refugee affairs in the country and with the United Nations High Commissioner for Refugees sitting on its board in an advisory capacity.
- 59) Despite commendable efforts, former refugees (self-settled or integrated) still face challenges with access to healthcare, employment, registration of alien permits and citizenship. Migrants and asylum-seekers, especially women and unaccompanied children, continue to face increased vulnerability to sexual- and gender-based violence, trafficking and exploitation.

#### **M. *Right to development and environmental issues***

- 60) The population growth rate of a country has a huge influence on efforts towards poverty reduction and the attainment of the sustainable development goals. With an estimated population of 1.9 million and a growth rate of 3.3 per cent per annum, the Gambia’s rapid population growth is highly linked to the increasing levels of poverty given the small size of the country and the slow economic growth rate.

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<sup>21</sup> Refugee Act 2008

- 61) The Gambia has taken significant strides towards development especially in the area of poverty reduction which encompasses most of the SDGs. Government projects were generally based on improving socio-economic development thereby aligning road infrastructure projects with government's commitments on "Poverty Reduction and Transportation." These frameworks were characterized by Vision 2020 and anchored on Poverty Reduction Strategy Papers I & II and the previous national development strategy - PAGE (Programme for Accelerated Growth & Employment).
- 62) In August 2018, the government launched 'Axle load control' to address sustainability of the road network through heavy vehicle management which would be implemented by a Senegalese Company known as Afrique Pesage.
- 63) The National Roads Authority (NRA) is also being trained, through Technical Assistance (TA), on road maintenance management by conducting periodic and routine maintenance on the road network. The institution will be trained on a software called KAH (Key Asset Highways) and given two tractors and trailers for maintenance activities.
- 64) With the financial support from the Government of Japan, the UN launched a project "Employment Creation for Youth to Build Sustainable Peace in The Gambia" in 2018 in collaboration with the government and the social partners. The UN introduced Do-nou technology for unpaved road construction that is cost-effective, using local resources for all the materials and equipment and repairable by community people.
- 65) Since June 2017, UN has considerably increased its operations in assisted voluntary return and reintegration (AVRR) of Gambian migrants, overwhelmingly from Libya and Niger. Thus far, UN has assisted over 3,500 to voluntarily return home; over 2,000 have already received some form of reintegration support.