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## **National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1\***

**Gambia**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. Methodology and consultative process**

1. A broad-based National Taskforce composed of all government institutions and civil society organizations dealing directly or indirectly with human rights were involved in the preparation of this report. The taskforce was responsible for gathering information and putting together a mini report on each institution's work in relation to the promotion and protection of human rights and implementation of the various human rights instruments in the Gambia. With the supervision of the Solicitor General and Legal Secretary, the taskforce worked with a Consultant hired by the Ministry of Justice to collate all the information into a comprehensive report in accordance with the UN Review procedures. Series of meetings and discussions were held to come up with the report.

## **II. Country background**

2. The Republic of The Gambia lies on the western coast of tropical Africa, occupying an area of 11,295 sq km (land: 10,000 sq km and water: 1,295 sq km), making it one of the smallest countries in Africa. It is a semi-enclave in Senegal. From north to south The Gambia extends to a maximum of 48km, though the coastline, with its bays and promontories, is 80km in length. Moving inland from west to east, the country roughly follows the route of the River Gambia inland for 480km.

3. The capital city is Banjul, with a population of about 34,828 excluding suburbs (2003 census), but is exceeded in size by both Brikama (42,480 inhabitants in 2003) and Serrekunda (151,450 inhabitants in 1993). According to UN estimates in 2009 the total population of The Gambia is 1.7 million. Along with the capital, the country is divided into seven administrative areas; five regions and two municipalities, the City of Banjul and Kanifing municipality. The five regions are the Western Region, Lower River Region, Central River Region, Upper River Region and the North Bank Region.

4. A wide variety of ethnic groups live in The Gambia, each preserving its own language and traditions. The Mandinka people form the largest group, followed by the Fula, Wolof, Jola, and Serahule. Muslims constitute over 95% of the population. Christians of different denominations account for most of the remainder. Gambians officially observe the holidays of both religions and practice religious tolerance.

5. The Gambia became independent from Britain on 18 February 1965. Following the military coup of July 1994 and the return to civilian rule in 1996, a new Constitution (the 1997 Constitution) was promulgated for The Gambia. The 1997 Constitution came into force on the 12<sup>th</sup> January 1997. The Constitution guarantees a participatory democracy, separation of powers, judicial independence and fundamental human rights. The Gambia has a unicameral legislature with the National Assembly (Parliament) consisting of 53 members, 48 elected by universal suffrage, and five nominated by the president. All serve a five-year term.

6. The Gambia has no commercially exploitable mineral resources, although deposits of petroleum have been identified. The per capita income in 2008 was US \$390, one of the lowest in the world. The Gambia heavily depends on peanut exports, however, tourism is also an important source of foreign exchange, as are remittances sent home by Gambians living abroad.

### **III. Legal system**

7. Section 7 of The Gambian Constitution identifies The Gambia's laws as consisting of:

- (a) Acts of the National Assembly made under this Constitution and subsidiary legislation made under such Acts;
- (b) Any orders, Rules, Regulations or other subsidiary legislation made by a person or authority under a power conferred by this Constitution or any other law;
- (c) The existing laws including all decrees passed by the Armed Forces Provisional Ruling Council;
- (d) The common law and principles of equity;
- (e) Customary law so far as concerns members of the communities to which it applies;
- (f) The sharia as regards matters of marriage, divorce and inheritance among members of the communities to which it applies.

### **IV. Promotion and protection of fundamental human rights and freedoms**

8. The Gambian Constitution provides in Chapter 4 for the promotion and protection of human rights. Every person in The Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter, but subject to respect for the rights and freedoms of others and for the public interest.

9. The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by all organs of the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia, and shall be enforceable by the Courts in accordance with the Constitution. The rights include:

#### **A. Protection of the right to life**

10. The right to life is guaranteed in the 1997 Constitution of The Gambia as a fundamental human right from which no derogation is permitted even in time of public emergency which threatens the life of the nation.

11. The death penalty was abolished in 1993 by the Death Penalty (Abolition) Act 1993 but reinstated in 1995 by Decree No. 52 entitled the Death Penalty (Restoration) Decree, 1995. Among the reasons given for the restoration of the death penalty were that "since the abolition of the death penalty in The Gambia there has been a steady increase of cases of homicide and treasonable offences which, if not effectively checked, may degenerate into a breakdown of law and order" and that the duty dawned on the "State to provide adequate mechanisms for the security of life and liberty of its citizenry thereby maintaining law and order and ensuring greater respect for individual human rights."

12. The application of the death penalty is limited only to murder and treasonable offences. Even with that, it can only be imposed where the offence resulted in death, or the administration of any toxic substance, resulting in the death of another person." Thus, the fact that the death penalty is limited to these offences means it is quite an exceptional

measure meant for “most serious crimes”. The courts have imposed death sentences on accused persons convicted of murder since 1995 but none is executed yet.

13. Furthermore, Gambian law prescribes that the procedural guarantees, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher tribunal prescribed must be observed before the death penalty can be imposed. These rights are applicable in addition to the particular right to seek pardon or commutation of the sentence.

## **B. Protection from torture and inhuman treatment**

14. The prohibition of torture, inhuman or degrading punishment or other treatment is absolute in that even in situations of public emergency this provision is non-derogable.<sup>1</sup> Even though the Constitutional prohibition of torture is not yet supported by the creation of a specific offence of torture under the country’s criminal law, the offences in the Criminal Code such as threatening violence, common assault, assault causing actual bodily harm, assault causing grievous bodily harm and laws and regulations such as the Judges Rules and the Evidence Act have also been put in place to give effect to the prohibition of torture.

## **C. Protection of the right to personal liberty**

15. The Gambian Constitution guarantees “every person” the right to liberty and security of person. This means the right to personal liberty and security of person is applicable to all deprivations of liberty, whether in criminal cases or in other cases such as, mental illness and immigration control.

16. It is prohibited under the Constitution to subject anyone to arbitrary arrest or detention and no one is to be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

17. The Constitution provides further that any person who is arrested or detained shall be informed as soon as is reasonably practicable and in any case within three hours, in a language that he or she understands, of the reasons for his or her arrest or detention and of his or her right to consult a legal practitioner. Persons who are arrested or detained for the purpose of bringing them before a court in execution of the order of a court or upon reasonable suspicion of them having committed, or being about to commit a criminal offence must be taken to court within seven-two hours as required by the Constitution.

18. The Constitution also requires that a person brought before a court in execution of the order of a court shall not thereafter be further held in custody in connection with those proceedings or that offence save upon the order of a court.<sup>2</sup> Persons arrested or detained who are not tried within a reasonable time must be released either unconditionally or upon certain conditions as are reasonably necessary to ensure that they appear at a late date for trial.<sup>3</sup> Criminal cases are also to be dealt with within a reasonable time.

19. The Constitution further provides that any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person or from any other person or authority on whose behalf that other person was acting. The Constitution also directs the judiciary to take into consideration the time spent in prison before conviction when setting jail terms for convicted persons.

## D. Freedom of speech

20. The Gambian Constitution guarantees every person “the right to freedom of speech and expression, which shall include freedom of the press and other media; freedom of thought, conscience and belief, which shall include academic freedom; freedom to petition the Executive for redress of grievances and to resort to the Courts for the protection of his or her rights.”

21. The 1997 Constitution also introduced a special chapter on the media by providing, *inter alia*, that “the freedom and independence of the Press and other information media are hereby guaranteed. ”This chapter provides, *inter alia*, that the Press and other information media shall, at all times, be free to uphold the principles, provisions and objectives of this Constitution, and the responsibility and accountability of the Government to the people of The Gambia and that “all state owned newspapers, journals, radio and television shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinion.”<sup>4</sup>

22. The Gambia is committed to the creation of a conducive environment for the media to operate freely and to ensure a free flow of information as provided for in the Constitution. Consequently, the Information Act was passed into law in May 2009 to provide for the re-structuring, development and regulation of the information and communications sectors in The Gambia.

23. The right to freedom of expression is, however, not absolute. In addition to the limitations to the rights enshrined in the Constitution the Criminal Code creates the offences of criminal libel and sedition. Civil libel is also regulated by the common law and is therefore applicable in The Gambia by virtue of section 3 of the Law of England Application Act and section 7 of the Constitution.

## E. Other constitutional guarantees

24. Other guarantees in the Constitution are protection from slavery and forced labour; protection from deprivation of property; right to fair trial; right to privacy; freedom of conscience; freedom of association; freedom of assembly; freedom of movement; political rights; right to marry; rights of women; rights of children; right to education; rights of the disabled; cultural rights; protection from discrimination.

25. These fundamental rights and freedoms guaranteed in the Constitution are, however, not absolute. They are to be exercised “subject to respect for the rights and freedoms of others”<sup>5</sup> and “subject to the law of The Gambia in so far as that law imposes reasonable restrictions on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court.”

26. Another general limitation on the exercise of these rights is the declaration of a state of emergency under section 34 of the Constitution. Section 34 of the Constitution empowers the President to declare a state of emergency, and the National Assembly may pass an Act authorizing the taking during a state of emergency of measures that are reasonably justifiable for dealing with the situation and nothing done under such Act shall be held to be inconsistent with sections 19, 23, 24 (other than subsections (5) to (8) thereof) or 25 of the Constitution to the extent that it is reasonably justifiable in the circumstances arising or existing during a period of public emergency for the purpose of dealing with the situation.<sup>6</sup> Section 36 outlines how persons detained during a state of emergency should be treated.

27. In addition to Chapter IV, section 39 of the Constitution also guarantees the right to vote.

28. Chapter XX also provides for directive principles of state policy. This Chapter outlines the duties of citizens and further spells out the Government's economic, social, cultural, educational, political and foreign relations objectives. Even though these principles do not confer legal rights, all organs of government are guided by and observe them with a view to achieving by legislation or otherwise the full realization of the principles.

## **V. Other relevant human rights legislations**

29. In addition to the Constitution, other human rights legislation include the Children's Act, 2005 – protection of the rights of the child and creation of a Children's Court; the Tourism Offences Act, 2003 – protection of children from sex tourism; the Trafficking in Persons Act, 2007 – protection from human trafficking and protection of personal liberty; the Legal Aid Act, 2008 – right to fair trial and the provision of legal aid to children, persons charged with capital offences and indigent persons; the Alternative Dispute Resolution Act 2005 – promoting equal protection of the law and access to speedy and affordable justice by litigants, The Judges (Supplementary Code of Conduct) Act 2009 – Regulation of the conduct and behavior of judges in and outside of office, the Labour Act, 2007 – protection of the rights of workers; the Criminal Code and the Criminal Procedure Code and the amendments thereto; the Ombudsman Act – creating the Office of the Ombudsman; the National Commission on Small Arms and Light Weapons Act, 2007 – protection of the right to life; the Food Act – protection of the right to food by controlling the production, manufacture, sale, distribution, importation and exportation of foods; the Information and Communications Act, 2009 – protection of the right to information and the regulation on the communications sectors in The Gambia; Refugee Act, 2008 – protection of refugees; National Water Resources Act, 2004 – protection of the right to water, Public Health (Amendment Act), 2001 – protection of the right to health; Medicine and Related Products Act, 2006 – protection of the right to health; the National Disaster Management Act, 2008 – protection, among others, of the right to life through the provision on an integrated and coordinated disaster management system and the Elections (Amendment) Act, 2005 – protection of right to political participation.

## **VI. Proposed legislation**

### **A. Women's Bill**

30. The Women's Bill is approved by the Cabinet Sub-Committee on New Bills and will be tabled soon before the whole Cabinet and thereafter the National Assembly for enactment into law. It seeks to incorporate and enforce certain aspects of the United Nations Convention on the Elimination of all Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Bill enjoins the Minister for Health to, in consultation with the National Women's Council set up under the Bill, carry out a periodic review of the government policy on women with a view to bringing it in line with international best practices relating to the protection and enhancement of the rights of women. It also requires all public and private institutions to be guided by the national gender policies, in the formulation and implementation of any policies, initiatives and programmes within their institutions or bodies.

**B. Asylum Bill, 2009**

31. This Bill is being drafted. It seeks to make provisions for asylum in The Gambia and to create/establish international projects connected with migration. It further seeks to create offences in connection with illegal and clandestine migration.

**C. Elections Bill**

32. This Bill is in the final stages of the consultative drafting process. It seeks to regulate the conduct of Presidential, National Assembly and Local Government Elections. It seeks to amend the existing law and has more detailed provisions on the conduct of elections, the registration and conduct of political parties during elections, election campaigns and election petitions.

**VII. International obligations**

33. The Gambia has ratified or acceded to the following international and regional treaties:

- (a) International Bill of rights;
  - International Covenant on Economic, Social and Cultural Rights ratified on 29 December 1978
  - International Covenant on Civil and Political Rights ratified on 22 March 1979
  - Optional Protocol to the International Covenant on Civil and Political Rights ratified on 9 June 1988
- (b) Prevention of discrimination on the basis of race, religion, or belief, and protection of minorities;
  - International Convention on the Elimination of All Forms of Racial Discrimination ratified on 29 December 1979
  - International Convention on the Suppression and Punishment of the Crime of Apartheid acceded to on 29 December 1978
- (c) Women's human rights;
  - Convention on the Elimination of All Forms of Discrimination against Women signed on 29 July 1980 and ratified on 16 April 1993
  - United Nations Convention against Transnational Organized Crime signed on 14 December 2000 and ratified on 5 May 2003
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime signed on 14 December 2000 and ratified on 5 May 2003
- (d) Rights of the child;
  - Convention on the Rights of the Child ratified on 9 August 1990
  - Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ratified on 3 July 2001

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict signed on the 21 December 2000 and ratified on 9 April 2008
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography signed on the 21 December 2000 and ratified on 9 April 2008
- (e) Freedom of association;
  - C87 Freedom of Association and Protection of the Right to Organise Convention ratified on 4 September 2000
  - C98 Right to Organise and Collective Bargaining Convention ratified on 4 September 2000
- (f) Employment and forced labour;
  - C29 Convention Concerning Forced or Labour ratified on 4 September 2000
  - C100 Equal Remuneration Convention ratified on 4 September 2000
  - C105 Abolition of Forced Labour Convention ratified on 4 September 2000
  - C111 Discrimination (Employment and Occupation) ratified on 4 September 2000
  - C138 Minimum Age Convention ratified on 4 September 2000
  - C182 Worst Forms of Child Labour Convention ratified on 3 July 2001
- (g) Protection from torture and ill-treatment;
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment signed on 23 October 1985 and ratified in April 2006
- (h) Slavery;
  - Slavery Convention – Date of Accession: 9 April 2008
- (i) Refugees and asylum;
  - Convention relating to the Status of Refugees - Date of succession : 7 Sep 1966
  - Protocol relating to the Status of Refugees – Date of accession: 29 Sep 1967
- (j) War crimes and crimes against humanity, genocide, and terrorism;
  - Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity – Date of accession: 29 December 1978
  - Convention on the Prevention and Punishment of the Crime of Genocide: Date of accession: 29 December 1978
  - Rome Statute of the International Criminal Court signed 4 December 1998 and ratified 28 June 2002
- (k) Law of armed conflict;
  - Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea ratified on 20 October 1966



- Geneva Convention relative to the Treatment of Prisoners of War ratified on 20 October 1966
  - Geneva Convention relative to the Protection of Civilian Persons in Time of War ratified on 20 October 1966
  - Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) ratified on 12 January 1989
  - Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II) ratified on 12 January 1989
- (l) Terrorism, transnational crime and human rights;
- International Convention for the Suppression of Unlawful Seizure of Aircraft signed on 18 May 1971 and ratified on 28 November 1978
  - Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime signed on 14 December 2000 and ratified on 5 May 2003
- (m) U.N. Activities and employees;
- Convention on the Privileges and Immunities of the United Nations succeeded to on 1 August 1966
- (n) Regional conventions;
- African Charter On Human And Peoples' Rights ratified on 8 June 1983
  - African Charter on the Rights and Welfare of the Child ratified on 14 December 2000
  - Protocol to the African Charter on Human and Peoples` Rights on the Establishment of an African Court on Human and Peoples` rights ratified on 30 June 1999
  - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ratified on 25 May 2005
  - AU Convention Governing the Specific Aspects of Refugee Problems in Africa ratified on 12 November 1980
  - OAU Convention for the Elimination of Mercenaries in Africa signed 24 December 2003 and ratified 30 April 2009
  - AU Convention on Preventing and Combating Corruption signed 24 December 2003 and ratified 30 April 2009
  - OAU Convention on the Prevention and Combating of Terrorism signed 14 July 1999 and ratified 30 April 2009
  - Protocol to the OAU Convention on the Prevention and Combating of Terrorism ratified 21 December 2000
  - Protocol to the amendment of the Constitutive Act of the AU signed 24 December 2003 and ratified 30 April 2009
  - Protocol of the Court of Justice of the AU signed 24 December 2003 and ratified 30 April 2009
  - African Youth Charter signed 24 December 2003 and ratified 30 April 2009.

34. The Gambia is yet to sign or ratify the following treaties:
- (a) Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - (b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
  - (c) Convention on the Rights of Persons with Disabilities;
  - (d) Optional Protocol to the Convention on the Rights of Persons with Disabilities;
  - (e) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
  - (f) International Convention against Apartheid in Sports;
  - (g) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
  - (h) International Convention for the Protection of All Persons from Enforced Disappearance;
  - (i) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - (j) Protocol amending the Slavery Convention;
  - (k) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
  - (l) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
  - (m) Employment Policy Convention;
  - (n) Convention concerning Occupational Safety and Health and the Working Environment;
  - (o) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
  - (p) Convention against Discrimination in Education;
  - (q) Convention on the Reduction of Statelessness;
  - (r) Convention relating to the Status of Stateless Persons;
  - (s) International Convention Against the Taking of Hostages;
  - (t) International Convention for the Suppression of Terrorist Bombing;
  - (u) International Convention for the Suppression of the Financing of Terrorism;
  - (v) International Convention on the Prevention and Punishment of Crimes Against International Protected Persons;
  - (w) Convention on the Safety of United Nations and Associated Personnel.

## VIII. Human Rights Institutions

### A. The National Assembly

35. The National Assembly plays a very important role in the promotion and protection of human rights. The Constitution, for example, requires the National Assembly to review the desirability or otherwise of the total abolition of the death penalty in The Gambia. The Ombudsman is also required to report to the National Assembly annually on the performance of its functions. The President is required to attend a sitting of the National Assembly and address a session on the condition of The Gambia, the policies of the Government and the administration of the State. The National Assembly may also request the President to attend a sitting of the National Assembly to discuss an issue of national importance. It also exercises some oversight over the executive by holding Ministers accountable through urgent questions asked on the floor of National Assembly or through Committees of the National Assembly. The sub-committees of the National Assembly includes the select sub-committee on women and children, which considers the gender dimensions on issues, policies and Bills brought before it relating to women and children.

### B. The courts

36. The superior courts of The Gambia consist of the Supreme Court, the Court of Appeal, the High Court and the Cadi Appeals Panel. The lower courts and tribunals include the Magistrates' Court, the Cadi Court, Rent Tribunal, Children's Court, Industrial Tribunals and District Tribunals.

37. For any judiciary to effectively carry out its role, it has to be independent. Recognizing the fact that an independent judiciary is required for ensuring the adherence to the rule of law and the impartial administration of justice, Section 120 (3) of the Constitution provides that "in the exercise of their judicial functions, the courts, the judges and other holders of judicial office shall be independent and shall be subject only to this Constitution and the law and the law". S. 123 (4) further provides that "the Government and all departments and agencies of the Government shall accord such assistance to the courts as the courts may reasonably require to protect their independence, dignity and effectiveness".

38. Section 37 of the Constitution provides for the enforcement of the fundamental human rights provisions provided in Chapter IV of the Constitution through the High Court which may hear and determine any applications made and may make such orders, issue such writs, and give such directions as it may consider appropriate for the purposes of enforcing or securing the enforcement of any of the fundamental rights provisions mentioned above.<sup>7</sup>

### C. Ombudsman

39. Even though The Gambia does not have a National Human Rights Commission, section 163 of the Constitution provides for the Office of the Ombudsman. The Constitution empowers the Ombudsman to investigate allegations of maladministration, mismanagement or discriminatory practices in any government department, authority, or other public body. The Ombudsman Act of 1997 further empowers the Ombudsman to:

(a) Investigate complaints of injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of official duties;

(b) Investigate complaints concerning the functioning of the Public Service Commission, the administrative and security organs of the State, the Police and Prisons Service in so far as the complaints relate to the failure to achieve a balance structuring of those services or equal access by all to the recruitment to those services or fair administration in relation to those services.

40. The Ombudsman or his or her deputy is subject only to the Constitution and the law and shall not be subject to the direction and control of any person or authority. In performing his or her duties, the Ombudsman and his or members of staff shall enjoy immunity from civil and criminal processes and all Government departments and authorities are enjoined to give assistance as the Ombudsman may require for the protection of his independence, dignity and effectiveness.<sup>8</sup>

#### **D. The Gambia Police Force**

41. The Gambia Police Force is a law enforcement agency which has the function of the preservation of law and order, the protection of property, the prevention and detection of crime, the apprehension of offenders and the due enforcement of all laws and regulations with which they are charged. In performing all these functions, the police deal directly and indirectly with many human rights issues.

#### **E. National Council for Civic Education**

42. Civic Education in The Gambia is a process through which the citizenry acquires knowledge, skills and values that are needed for effective democratic citizenship. It was against this background and the need to promote the civic consciousness of the citizens that the National Council for Civic Education (NCCE) was created under section 198 of the Constitution of the Republic of The Gambia, 1997 as an independent and non-partisan institution. Section 199(1) of the said Constitution outlined the mandate of NCCE as follows:

(a) To create and sustain within society an awareness of the principles and objectives of this Constitution as the fundamental law of The Gambia;

(b) To educate and encourage the public to defend this Constitution against all forms of abuse and violence;

(c) To formulate, from time to time, for the consideration of the Government programmes at national and district levels aimed at realising the objects of this Constitution;

(d) To formulate, implement and oversee programmes aimed at inculcating in the citizens of The Gambia awareness of their civic and fundamental rights, duties and responsibilities;

(e) To educate the citizens of The Gambia about international, regional and sub-regional matters relevant to The Gambia.

43. The independence of the NCCE has been protected in the Constitution. It states under section 199(3); 'in the exercise of its functions, the Council shall be apolitical and, save as may be provided by an Act of the National Assembly, shall not be subject to the direction or control of any other person or authority.'

## **F. The Prison Service**

44. The mandate of the Prisons Service is to maintain the safe custody of prisoners, the security of prisoners and to reform and rehabilitate prisoners. In carrying out its functions, the Prisons Service operates within the scope of national laws such as the Constitution, the Prisons Act and Rules, international conventions and instruments.

## **G. Women's Bureau and the National Women's Council**

45. The National Women's Bureau and the National Women's Council were both established in 1980 by the National Women's Council Act. Both institutions report to the Ministry responsible for Women's Affairs. The Council's main mandate is to "advise government on all matters affecting the development and welfare of women and any other matters referred to it by the minister..."<sup>9</sup> The Women's Bureau serves as the secretariat of the Council responsible for its day to day administration, coordination and implementation of its policy decisions. Since its inception the Council and Bureau together with partners and stakeholders have embarked on a number of projects and activities geared towards advocating for the promotion and advancement of the status of women and for gender equity and equality in line with international instruments best practices relating to women.

46. Through the Council and the Bureau, the Government has put in place structures such as the Gender Focal Point Network which consists of representatives of key Government Departments and Civil Society Organizations. The network is working towards the formulation and implementation of policies and programmes affecting women. It also works in the areas of advocacy and awareness raising for gender equality and for the advancement of women.

## **H. Independent Electoral Commission**

47. The Independent Electoral Commission is responsible for the conduct and supervision of the registration of voters for all public elections and the conduct and supervision of all public elections and referenda; the conduct of the election of a Speaker and a Deputy Speaker; the registration of political parties; ensuring that the dates, times and places of public elections and referenda are determined in accordance with law and that they are gazetted and elections held accordingly and ensuring that candidates in elections make full declaration of their assets at the time of nomination. The Gambian Constitution provides that in the exercise of its functions under the Constitution or any other law, the Independent Electoral Commission shall not be subject to the direction or control of any other person or authority.

## **I. Department of Social Welfare**

48. The Social Welfare Department of The Gambia operates as a service provider and an enabler aimed at improving access to quality social welfare services at the local, institutional and national level. The Government's Social Development Policy identifies management and administration, child care, adult care and the disabled as its four priority areas. The Department provides support and services to the disabled, the destitute, the poor and needy, victims of criminality, adults living with HIV/AIDS, and their families, victims of natural and social calamities, orphans and vulnerable children and child victims of abuse and trafficking.

## **IX. Achievements and best practice**

### **A. The Gambia Police Force**

49. The Gambia Police Force is a law enforcement agency which has the function of the preservation of law and order, the protection of property, the prevention and detection of crime, the apprehension of offenders and the due enforcement of all laws and regulations with which they are charged.

50. To ensure compliance with these constitutional requirements and The Gambia's international obligations, training programmes are continuously organized for members of The Gambia Police Force and other security agencies in the country. The Police also have Human Rights and Complaints Unit and a Child Welfare and Vulnerable Person's Unit. The Human Rights and Complaints Unit is the internal investigation mechanism branch of the police dealing with general public complaints against the police, which include police corruption, human rights abuses and related matters. The Child Welfare and Vulnerable Person's Unit also work very closely with NGOs in dealing with issues involving children and vulnerable persons.

### **B. The Prisons Service**

51. Persons detained in prison retain their fundamental human rights, except those rights that have been lost as a result of the deprivation of liberty due to the crime committed. Consequently, all efforts are made to treat prisoners in a humane and dignified manner from the time of admission to the time of discharge. Prisoners are informed of the regulations governing them, their rights and obligations while in prison. Training, seminars and workshops are routinely conducted for members of the Gambia Police Force and Prison Services on juvenile justice administration and on international conventions such as the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the above-named instruments on the protection of prisoners.

52. As required by the Constitution and section 36 (2) (a) of the Prison Act, for example, prisoners awaiting trial are always separated from convicted criminal prisoners. Unlike persons awaiting trial, convicted prisoners are also required to wear prison suits. Section 36 (2) (e) of the Prisons Act further requires that first offenders be separated from offenders with one or more previous convictions. Children in conflict with the law are always separated from adults from the pre-trial to the trial stages as required by the Constitution and the Children's Act. Children convicts are also separated from adult convicts.<sup>10</sup> A separate Juvenile Justice Wing located at Old Jeshwang Prison Camp was built in March 2000 to cater for children in conflict with the law. A disciplinary system is also in place for prisoners. All disciplinary actions must be approved by the officer in charge of a prison.

53. The Constitution and the Prison Act prohibit the torture of prisoners and detainees. Persons tortured or unlawfully detained can petition the High Court for compensation.

54. The Gambia Prison Services has been taking practical steps to promote the reformation and social rehabilitation of prisoners, by education, vocational training and useful work. The State Central Prison, for example, has a multi-purpose workshop where prisoners are trained in different livelihood skills such as tailoring, carpentry, building construction. The other two prisons also have facilities built for educational purposes. A qualified teacher is provided by the Ministry of Basic Education to teach children detained at the Juvenile Wing at Old Jeshwang on a daily basis.

55. A monthly total of D650, 000 is provided for the Prisons Service for food provision for inmates. This means all prisoners in The Gambia are well fed with a balanced diet.

56. Prisoners and detainees also have access to information. Televisions, for example, are installed in all cells, thereby giving prisoners access to information regarding the country and even beyond. Lawyers who have clients in the prison are given access to visit them without conditions. The department of Social Welfare had designated a member to each of the prisons to help the inmates in their social matters. Qualified doctor visits the prisons on a daily basis to provide treatment for sick prisoners.

57. A system is put also in place for supervising prison establishments. All prisons have a Prison Visiting Committee made up of members from different sectors. The Committees are independent and are appointed to monitor the whole affairs of prisons administration, especially the welfare of prisoners and to prevent torture and cruel, inhuman or degrading treatment in prison.

### **C. The Judiciary**

58. The Judiciary of The Gambia has recorded many achievements over the years. To decentralize the court system, High Court complexes were built in three provincial regions. The Alternative Dispute Resolution Act was also passed in 2005 and an Alternative Dispute Resolution Secretariat set up with the aim of affording litigants the opportunity to settle their disputes amicably without resorting to litigation. To further enhance the independence of the judiciary the judiciary was granted financial autonomy and the salary of judges significantly improved.

### **D. National Council for Civic Education**

59. The NCCE conducts routine community meetings in towns and villages to educate the public on their constitutional rights, duties and responsibilities. It also conducts regular live radio and television programs on topical issues relevant to good governance. It conducts voter education anytime elections are approaching to enable voters to make informed choices. It recently completed a one year pilot of the teaching of civic and human rights education in Gambian schools.

### **E. The Department of Social Welfare**

60. The Department of Social Welfare has recorded successes in awareness raising, capacity building, training of partners on the promotion and prevention of child abuse and exploitation, protection of vulnerable adults and elderly persons.

61. Despite resource constraints, the Department is currently providing education sponsorship for 1500 needy children. It is also providing 30 abandoned babies with foster care, 150 children with shelter and support, 400 street children (almudos) with skills training and basic needs, 14 elderly persons with residential care and 20 persons with home based care services, 5000 disabled persons with artificial limbs and walking sticks and frames. It has also set up a child protection base for vulnerable children, a steering committee on orphans and vulnerable children, a National Action Plan on Orphans and Vulnerable Children. The Department also operates a child/family hotline and trained 15 social workers on emergency preparedness. Social workers continue to provide the Children's Court with home study reports on young offenders appearing before this court.

## **F. Persons with disabilities**

62. Section 31 of the Constitution provides that “the right of the disabled and handicapped to respect and human dignity shall be recognized by the State and society.” It provides further that “disabled persons shall be entitled to protection against exploitation and to protection against discrimination, in particular as regards access to health services, education and employment” and “in any judicial proceedings in which a disabled person is a party, the procedure shall take his or her condition into account.”

63. A directive principle of state policy further enjoins the state to pursue policies that protect the right and freedoms of the disabled and other vulnerable members of society to ensure that such persons are provided just and equitable social opportunities.

64. The Gambia has not yet ratified the UN Convention on the Rights of Person with Disabilities but it has made strides in some areas. There are three recognized specialized schools for persons with disabilities: St. John’s School for the Deaf, Methodist Special School for Learning Difficulties and GOVI Resource center providing for education services for the visually impaired.

65. A number of Government agencies have been addressing the rights of persons with disabilities. These include the Ministry of Basic and Secondary Education, The Social Welfare Department, Ministry of Youth and Sports etc. The National Planning Commission is also currently in consultation with DPOs and the Gambia Federation of the Disabled to mainstream disability into Government’s Poverty Reduction strategy. The Gambia Plan of Action on the African Decade for Persons with Disabilities is in the process of being endorsed. More than thirteen non-government organizations and associations have also been working on issues affecting persons with disabilities.

## **G. Rights of women**

66. In addition to section 33 of the Constitution which bars discrimination based on gender, section 28 of the Constitution provides that “women shall be accorded full and equal dignity of the person with men” and they “shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities.” Section 27 of the Constitution also provides that “men and women of full age and capacity shall have the right to marry and found a family” and that “marriage shall be based on the free and consent of the intended parties.” Sections 27, 28 and 34 of the Constitution are justiciable and entrenched and who person who alleges that any of these provisions has been, is being, or is likely to be contravened in relation to himself or herself by any person, he or she may apply to the High Court for redress.

67. A directive principle of state policy also enjoins Government to ensure that women are fairly represented in the composition of the Government. In line with this policy the positions of Vice President of the Republic, Speaker of the National Assembly, Minister for Education, President of the Court of Appeal, just to name a few, are all held by women. Furthermore, the creation of a Ministry for Women and the establishment of the Women’s Bureau and Council, is a clear demonstration of the government’s desire to address the problem of women’s marginalization and raise the issues of women and children rights to a higher national level.

68. The National Policy for the Advancement of Gambian Women 1999-2009 was adopted and ratified by the National Assembly in 1999. This policy has helped in strengthening the institutional capacity of the national gender machinery and has taken on board the policy considerations and obligations enshrined in international instruments relating to women.



69. To enhance the capacity of women in making decisions, the Women's Bureau successfully implemented the Capacity Enhancement of Women in Decision Making Project funded by UNDP in 2007.

70. The Government of The Gambia has been working on creating the enabling environment, especially for human rights organizations working on women issues. Organisations such as the Female Lawyers Association of The Gambia (FLAG) and GAMCOTRAP, for example have also been working on issues on women. FLAG continues to provide legal aid for some women in conflict with the law.

71. GAMCOTRAP has also been leading the campaign to end the practice of FGM in the country. As recently as 5<sup>th</sup> December 2009, as many as sixty (60) circumcisers from three hundred and fifty one communities in the Central River Region and Upper River Region made an open declaration relinquishing the practice of FGM by taking an oath that they would not practice it in their life time again. After relinquishing the practice, circumcisers took an oath that they would not practise FGM in their life again. GAMCOTRAP has conducted many similar exercises in the past and continue to do so. Circumcisers who drop their knives are also provided with compensation to engage in adequate employment opportunities.

72. Trafficking in women is dealt with in the Trafficking in Persons Act of 2007, a comprehensive legislation that seeks to prevent, suppress, and punish those engaged in trafficking in persons, and to rehabilitate and reintegrate victims of trafficking. A National Agency against Trafficking is established under the Act to ensure its implementation. The police in collaboration with other law enforcement agencies and the Judiciary have adopted a zero tolerance stance towards the detection, prosecution and punishment of offenders under the Act.

## **H. Rights of children**

73. The Children's Act 2005 domesticates the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. A child is defined under the Act as anyone below the age of 18 years. In addition to the fundamental rights guaranteed in the Constitution, the Act further provides for the right to survival and development of children; right to name; right to nationality; right to health and health services, etc; right to privacy; right to parental care, protection and maintenance; right to a child in need of special protection measures; right of the unborn child to protection against harm, etc; right to parental property; right to social activities; rights to social activities; contractual rights of the child; right to opinion; right to education; child's right to stay with parents; protection from harmful social and customary practices; right of child to be maintained and the right of children to legal aid in all cases.

74. The Act also sets the age of criminal responsibility at 12 years and establishes a Children's Court to deal with cases involving children. The Court is required to ensure that all proceedings involving a child are "conducive to the best interest of the child" and are conducted "in an atmosphere of understanding which allows the child to participate and express himself or herself freely". The Act bars the imprisonment of children, the imposition of the death penalty and corporal punishment on a child. It further enjoins the Children's Court to "consider the imposition of non-institutional sentence as an alternative measure to imprisonment" in dealing with an expectant mother.

75. In addition to the Children's Act, the Trafficking in Persons Act 2007 and the Tourism Offences Act of 2003 create various offences dealing with child sex tourism, child trafficking and child sexual abuse and exploitation.

76. With respect to education of children, Government has taken steps to ensure that all schools are accessible to learners within a radius of three kilometres. Accordingly, the school system has increase as shown below:

<i>CATEGORY</i>	<i>1993-94</i>	<i>2007-2008</i>
Lower Basic (Primary) Schools	233	671
Upper Basic (Junior Secondary) Schools	22	229
Senior Secondary (High) Schools	12	85
<b>Total</b>	<b>267</b>	<b>985</b>

77. Enrolment rates at the Lower Basic Education Level for the period 2001/2002 – 2006/2007 increased from **157,544** to **220,423**, marking a Gross Enrolment Ratio (GER) increase from **82%** to **92%**.

78. At the Upper Basic Education Level, enrolments increased from **42,094** to **66,025**, representing a GER growth from **43%** to **65%**. This growth represents, on average, an annual growth rate of **15%**, which exceeded the target of **12.7%**.

79. Girls' education in The Gambia is also given attention through such interventions as the establishment of the renowned Girls' Scholarship Trust Fund to defray the cost of education for the girls and ensuring a safe environment for them in all schools. The President's Empowerment of Girls' Education Project (PEGEP), which provides financial support for girls at the upper basic and senior secondary levels, complements Government sponsorship of needy students. An important outcome of these interventions is that gender parity has now been attained at the basic level and enrolment for girls has soared at both the senior secondary and higher levels. This marks a reversal of previous trends.

## **I. Right to education**

80. The provision of education in The Gambia is anchored to a number of national and international constitutional and legal frameworks, such as the 1997 Constitution of The Gambia, the National Vision 2020, the National Education Policy 2000-2015, the Educational for All Goals, the Millennium Development Goals and the Poverty Reduction Strategy Paper (**PRSP II**). Therefore, in accordance with the Constitution, which states that basic education shall be free and compulsory, the government of the Gambia seeks to attain universal basic education by 2015. In this direction, the expanded vision of basic education – encompassing early childhood development, lower basic education, upper basic education and non-formal education – forms the basis of education service delivery in the country.

81. Based on evaluations of various interventions, there is evidence indicating that significant successes have been registered within the education sector over the past fifteen years, thus demonstrating the positive impact that the educational reform in the country has precipitated. These include tremendous expanded access to education across all levels of the school system. The University of The Gambia (UTG), the only university on the country, has maintained also the policy of non-discrimination for access to university education and most of its students are sponsored by the Government.

82. The expanded vision of basic education (comprising early childhood education, adult and non-formal education and nine years of continuous formal schooling - i.e., from Grades 1 to 9) stands out as a successful model in Africa. The partnership and link between the conventional schools and the madrassa institutions, through the General Secretariat for Islamic/Arabic Education, continues to enhance access and, simultaneously, improvement of the quality of education provided in the school system. The teaching of English language in the grant-aided madrassas and the harmonization of the various syllabuses of the madrassas and their synchronization with the curriculum of the conventional schools have contributed to this success.

83. There is a more equitable distribution of qualified teachers, as shown by the impact reports from the Regional Directorates on the 'hardship allowances' currently paid to teachers. The textbook rental scheme has been abolished, and the student-textbook ratio is 1:1 for the core subjects at the lower basic level; that is, from Grades 1 to 6.

## **J. Right to health**

84. The Gambian Constitution does not guarantee the right to health as a fundamental human right but a directive principle of state policy provides that "the State shall endeavour to facilitate equal access to ... adequate health and medical services...to all persons". The Legislature and all other organs of the State in taking policy decisions, making laws and in the administration of The Gambia are enjoined to observe and be guided by this and other directive principles of state policy with a view to achieving by legislation or otherwise the full realization of the principles.

85. The Government has been addressing the health, nutrition and demographic needs of the population and health care delivery by pursuing vigorous policies such as the National "Health is Wealth" Policy and Health Master Plan (2008-2009), the Reproductive and Child Health Policy (2007-2014), among others. In recent years there has also been an increase in government budgetary allocation to basic health service delivery to improve access and quality of health care to the Gambian populace. The health policies and programmes have led, *inter alia*, to an increase in the number of Government hospitals, a satisfactory access to reproductive health services, a significant drop in HIV 1 prevalence and a decline in infant mortality rate.

## **X. Challenge and constraints**

### **A. The police**

86. The constraints and challenges faced by The Gambia Police Force include the lack of resources to embark on a host of programs that include sensitization of both the officers and the community on issues bordering on policing and Human Rights and the lack of separate a separate holding facility for children in conflict with the law as well as women offenders.

### **B. The prisons**

87. Overcrowding is one the major problems faced by the prisons. This has seriously affected the lives of the inmates in maintaining a good health standard. Lack of resources coupled with the problem of overcrowding means most of the facilities provided are overstretched. Another problem is long pre-trial detentions. Many criminal cases get adjourned due to lack of enough judicial personnel to preside over them. Prison officials

also need training, especially on international best practices. Other constraints faced by the prison services include lack of enough medical doctors and nurses to provide proper and timely medication and lack of adequate recreational and sporting facilities.

### **C. The justice sector**

88. The justice sector in The Gambia, especially the Judiciary and the Attorney General's Chambers is faced with enormous human, material and infrastructural resources constraints. The Gambia heavily relies on counsel and judges sent on technical assistance from the Commonwealth Office and sister countries such as Nigeria.

### **D. Women**

89. The above-named innovative constitutional provisions outlawing discrimination against women is, however, hindered by the constitutional provision relating to the observance and enforcement of personal law in the area of marriage, divorce, and devolution of property at death. These cover matters relating to customary and religious law that affects the lives of over 90% of women in The Gambia.

90. Domestic violence, female genital mutilation (FGM) and forced marriages also happen and seem to be one of the commonest human rights abuses against women in The Gambia. Beyond the said constitutional provisions and sections 24 and 25 of the Children's Act that prohibit child marriage and betrothal, there is no legislation specifically criminalizing domestic violence, FGM and forced marriages. Gender disparities are also notable in that women generally have little decision making power and are mainly valued for their reproductive roles. This is due to lack of awareness and traditional gender stereotyping.

91. Inheritance in The Gambia is a matter of personal and customary law. Inheritance rights of a woman are therefore governed by her personal law which could be Sharia Law for Muslims or customary law for traditionalists. In the absence of a specific legislation that guarantees women inheritance right many women in The Gambia face discrimination in the area of inheritance.

### **E. Children**

92. The Constitution and the Children's Act 2005 are always applauded for having very bold and progressive provisions on the rights of child. However, because of the high level of illiteracy, these rights are not always available to children. Forced and early marriages, for example continue to happen. Most cases relating to early or forced marriages are viewed as private and therefore not considered wrong or due to private reasons go unreported and therefore never get to the courts.

### **F. Right to health**

93. Although the health facility coverage is amongst the best in Africa (more than 80% of the population have access to health facilities),<sup>11</sup> the staffing of these facilities is highly inadequate, and as a result the country has an unacceptably high maternal mortality rate (730/100,000 live births). It is important to note that 30 to 40% of the infant mortality in The Gambia is attributable to infant deaths peri-natally. Malaria, ARI and malnutrition and diarrhoeal diseases are important causes of infant mortality in The Gambia.

94. The health sector also faces significant number of challenges that stand in the way of scaling of universal access (UA). Some of the challenges include weak surveillance and M&E system, weak national capacity for effective response, lack of a sustainable resource base for effective response and insufficient communication among partners and stakeholders.

## **G. The right to education**

95. In spite of the achievements made over the years, critical challenges still remain within the education sector. These embody matters of access, quality, resources and management. Prominent among these the issues are:

- The disparity between boys and girls in enrolment, retention and performance;
- Providing quality education for all;
- Training and retaining qualified teachers and staffing all schools with qualified teachers;
- Mobilising sufficient resources for both recurrent and development purposes;
- Curriculum gaps and shortcomings have been identified and need to be addressed;
- Results of a recent Early Grade Reading Assessment (EGRA) and the National Assessment Test (NAT) conducted in 2008 and 2009 suggest that the number of children at the lower basic level who able to read and acquiring cognitive skills is low;
- The school age population is growing at a rapid rate in the country, and the demand for school places is greatest in urban and peri-urban areas. Therefore, additional places at both the lower and upper basic levels will have to be created at an accelerated pace;
- Crucially, in The Gambia, secondary education continues to be a challenge, as most of the schools at this level are privately operated, thus rendering access difficult for children from poor families, particularly in the peri-urban areas.

## **H. Persons with disabilities**

96. Despite the high disability prevalence rates of 2.8% reported by the National Population and Housing Census 2003, there is no disability Act in The Gambia. The national disability policy is not yet passed. The UN Convention on the Rights of Persons with Disabilities is also not yet signed and ratified by The Gambia Government. This implies that, if the right of a person with disability is violated, there is no other law, apart from the general provisions of the Constitution, to address the violation.

97. Persons with disabilities are also hardly involved in the formulation of Government policies and programmes. The Gambia does not also have a well developed social welfare support system for persons with disabilities and consequently, they are, in most cases, reliant on the support from within the family.

98. Most persons with disabilities remain illiterate. The National Disability Research conducted by Disabled Peoples Organisations (DPOs) in collaboration with Voluntary Service Overseas (VSO) and the Department of Social Welfare in 2008, 75% of females and 70% of males had no form of education. There was a downward trend from “no education” to tertiary level education. Among the respondents, PWDs who attended primary school were 16% compared with those who attended secondary school 8.4% and

tertiary education 3.2%. Special schools meant for persons with disabilities are also all located in the urban areas. Thus, most of the disabled children in the rural areas are deprived of their right of access to basic education because of lack of special schools and an all inclusive education system.

99. There is no visible employment programme supporting persons with disabilities. This means that most persons with disabilities are unemployed. The transport system and some public health facilities are also still inaccessible to most persons with disabilities.

100. On the side of the Deaf and Hard of hearing, there is no developed national sign language in The Gambia. Information relayed on radios and the National Television is not received by them. The news on the national TV are not signed for the benefit of the deaf. Communication to the organisation of the visually impaired is still done through text and not Braille versions.

## **I. Resources**

101. The Gambia has no commercially exploitable mineral resources and has one of the lowest per capita incomes in the world. It is one of the poorest countries in the world and occupies the 168<sup>th</sup> place in the United Nations Development Programme's 2009 (UNDP) 182 National Human Development Index. This means that Government does not have the resources to provide for all sectors adequately. Thus, the allocation of resources to all sectors, including institutions dealing with human rights issues, has been affected.

## **XI. National priorities**

### **A. The Gambia Police Force**

102. The Police Act which outlines the duties and functions of the police is a colonial law. The Gambia Government is working towards the amendment of the Act to bring it in line with international standards and best practices on human rights and policing. Government also intends to address the human resources constraints faced by the Human Rights and Complaints Unit and the Child Welfare and Vulnerable Person's Unit of the Police Force by training more police officers, especially on human rights issues, up to university level. The Training Manual for the Gambia Police Force will also be updated to include a section on human rights.

### **B. Prisons**

103. As part of its efforts to overcome the problem of overcrowding of the prisons, Government intends to construct a new prison complex. Government also intends to establish more training, educational and recreational facilities in all the prisons. The Ministry of the Interior in collaboration with the Gambia Prison Service will continue to train all prison officers in human rights and genders issues so that they can be fully abreast with human rights issues affecting the inmates daily in a bid to maintain high ethical standards in line with international best practices.

### **C. Health**

104. The human resource base of the health sector is still inadequate and needs to be developed. The Government is also working on making Reproductive and Child Health

Services free. It also intends to create an incentive for all categories of health workers in Public Health facilities. Government is also working on uninterrupted Accelerated Training of Nurses and other health cadres to minimize the shortage of trained personnel Capacity building for middle level managers. It intends to increase government budgetary allocation to basic health service delivery to improve access and quality of health care to the Gambian populace. It also intends to reduce the infant mortality and revive the Primary Health Care system to ensure availability of and access to adequate and affordable health care for all and to make available all the vaccine antigens used in Government's EPI system.

#### **D. Women**

105. The enactment of the draft Women's Bill is considered a priority by Government. This Bill is innovative, as it is a first in the continent. The enactment of this bill into law would fulfill most of The Gambia's obligations on women in that it seeks to incorporate and domesticate both the CEDAW and the African Protocol on the right of Women in Africa.

106. The national gender machinery and civil society organizations will continue with their awareness campaigns aimed at addressing the problems faced by women.

#### **E. Education**

107. The priority areas for the Ministry of Basic and Secondary Education (MoBSE) as outlined in the Medium Term Plan (2009-2011), which is derived from the Education Sector Strategic Plan, are basically three: **Equitable Access, Quality Education and Sector Management**. Technical and Vocational Education and Training, Tertiary and Higher Education and Science and Technology are the priority areas for the Ministry of Higher Education, Research and Science and Technology.

#### **F. Poverty reduction**

108. Economic growth and the reduction of poverty remains a priority for Government. To enhance growth and reduce poverty, The Gambia developed the Poverty Reduction Strategy Paper (PRSP) II for the period 2007-2011. The implementation of PRSP II shows the commitment of Government and the people of The Gambia to eradicate poverty in the long run. It is expected to significantly contribute to The Gambia's attainment of the Millennium Development Goals (MDGs) and the country's vision 2020 objectives.

#### **G. The justice sector**

109. Justice delivery also remains a priority for Government. The provision of legal aid, human resource and infrastructural development, institutional strengthening, capacity building and retention and quality service delivery will continue as priorities for the justice sector.

*Notes*

- <sup>1</sup> See sections 21 and 34 of the Constitution
  - <sup>2</sup> Section 19 (4) of the 1997 Constitution
  - <sup>3</sup> Section 19 of the Constitution, 22 (1) of the Criminal Procedure Code and section 99 (1) of the Criminal Procedure Code as amended by Criminal Procedure Code (Amendment) Act No.2, 2002
  - <sup>4</sup> Sections 207 and 208 of the Constitution
  - <sup>5</sup> Section 17 (2) of the Constitution
  - <sup>6</sup> Section 35 of the Constitution. See also Mrs Bensouda *op. cit*
  - <sup>7</sup> *Ibid*
  - <sup>8</sup> Section 165 of the Constitution and Section 18 of the Ombudsman Act
  - <sup>9</sup> National Women's Council Act 1980, section 5.
  - <sup>10</sup> See section 36 (2) (a) and (b) of the Prisons Act, section 29 (3) of the Constitution and sections of the Children's Act 210 (6) 212 (8) 220 (6)
  - <sup>11</sup> The Environmental Health Policy for The Gambia 2004 – 2014
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