



NHRC

Let Justice Guide Our Actions
THE GAMBIA

National Human
Rights Commission

**STATE OF
HUMAN RIGHTS
REPORT**

2022

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Abbreviations and Acronyms

ACHPR	African Commission on Human and Peoples' Rights
ANEKED	The African Network Against Extrajudicial Killings and Enforced Disappearances
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRPD	Convention on the Rights of Persons with Disabilities
ESCR	Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IEC	Independent Electoral Commission
GANHRI	Global Alliance of National Human Rights Institutions
MCA	Medicines Control Agency
NAATIP	National Agency Against Trafficking in Persons
OHCHR	Office of the United Nations High Commissioner for Human Rights

PWD	Persons With Disabilities
Survivors of PATP	Survivors of the Presidential Alternative Treatment Program
TANGO	The Association of Non-Governmental Organisations
TRRC	Truth Reconciliation and Reparations Commission
UDP	United Democratic Party
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
UN PBF	United Nations Peace Building Fund
UPR	Universal Periodic Review
Victims Center	Gambia Center for Victims of Human Rights Violations
WAVE	Women’s Association for Victims Empowerment
WILL	Women in Liberation and Leadership

Acknowledgement

The National Human Rights Commission (NHRC) extends its sincere appreciation to the Government of The Gambia, development partners, and Civil Society Organizations for their support in the implementation of its mandate during the reporting year. The attainment of an “A” Status accreditation as a National Human Rights Institution granted by the Global Alliance of National Human Rights Institutions (GANHRI), after only 3 years of operation, is a testimony to the immense support and encouragement of the Government and Stakeholders.

We are grateful for the technical and/or financial support from the UN Peace Building Fund through the Joint UNDP- OHCHR Post TRRC Project, NANHRI, UNODC, the French Embassy in Dakar, the Embassy of Switzerland in Senegal, the Open Society Foundation in South Africa and the British High Commission in The Gambia. Through these various support, the Commission was able to implement activities in line with its Strategic Plan and mandate and also started the monitoring process of the Government White Paper on the TRRC Report. This has included a nationwide popularisation of the White Paper and a workshop for National Assembly Members on the TRRC Recommendations and the role of the Assembly in the implementation process.

The Swiss Embassy in Dakar and the UN PBF through the Joint OHCHR and UNDP Post TRRC Project funded the 3rd Edition of the Sir Dawda Kairaba Jawara International Human Rights Moot Court Competition, which also marked the internationalisation of the

Competition with the participation of universities from outside The Gambia. For this support, we express our profound appreciation.

We extend our sincere gratitude to the public for its continued confidence and support of the work of the NHRC. As a public entity, we will continue to serve the best interest of the public to promote and protect their human rights and fundamental freedoms.

Support from the following Ministries, Institutions, and Organizations is also acknowledged and appreciated. Their partnership greatly contributed to the success of our activities and interventions:

1. National Assembly Standing Committee on Human Rights and Constitutional Matters
2. Attorney General's Chambers and Ministry of Justice
3. Global Alliance of National Human Rights Institutions
4. Network of African National Human Rights Institutions
5. The University of The Gambia
6. WILL
7. WAVE
8. ANEKED
9. Gambia Centre for Victims of Human Rights Violations
10. Survivors of PATP

11. Open Society Foundation, South Africa
12. Organization Internationale de la Francophonie
13. Institute for Human Rights and Development in Africa (IHRDA)
14. Chosan Charitable Medical Foundation
15. Gambia Association of Resident Doctors
16. TANGO
17. Ministry of Health
18. Ministry of Interior
19. The Gambia Police Force
20. Drug Law Enforcement Agency - The Gambia
21. Gambia Prisons Services
22. Gambia Immigration Department
23. CSO Dialogue Platform
24. Danish Institute of Human Rights

We recognise that the list is inexhaustive, but to each of our partners, we owe a debt of gratitude and look forward to further building on this relationship in 2023.

Foreword

The National Human Rights Commission of The Gambia (NHRC) continues to exercise its mandate to promote and protect human rights in The Gambia in accordance with the National Human Rights Commission Act, 2017. The operation of the NHRC is guided by the Paris Principles relating to the Status of National Human Rights Institutions. Currently, it enjoys an 'A' Status and an Observer Status with the Global Alliance of National Human Rights Institutions and the African Commission on Human and Peoples' Rights respectively. The year under review witnessed the opening of NHRC Regional Offices, a fulfilment of the promise made in 2021 to have a physical presence in rural Gambia and bring the services of the Commission closer to the people. The Regional Offices are in Farafenni (NBR) and Janjangbureh (CRR), covering LRR and URR respectively. Being fully functional, these Offices have engaged in human rights education, promoted the mandate and functions of the Commission, and enhanced the capacity of duty bearers to effectively protect and fulfil the human rights of all.

The Commission has organised fora on thematic human rights issues which targeted different stakeholders and duty bearers. These included sessions with the National Assembly, Civil Society Organisations, Government agencies and other stakeholders. For the first time, the annual Sir Dawda Kairaba Jawara Moot Court Competition took an international dimension with some universities around the African continent participating and arguing a hypothetical case based on a transitional justice process in an African country.

Section 33(2) (a) and (b) of the NHRC Act requires the NHRC to submit to the National Assembly an annual report detailing the state of human rights in The Gambia and what appropriate measures should be implemented by the State to ensure the effective promotion, protection and realisation of human rights. The Report discusses the State's compliance with its human rights obligations with respect to treaties it has ratified, the 1997 Constitution and other domestic legislation and the steps taken to protect and fulfil fundamental human rights and freedoms. It also gives a breakdown of the human rights complaints the Commission has received and actions that have been taken to remedy the violations in the admissible complaints.

The NHRC continues to operate an open-door policy and remains committed to working with the Government of The Gambia and all Stakeholders to ensure respect for human rights and freedoms is embedded in all the actions and policies of the Government, including compatibility of all laws with regional and international human rights standards and principles and accountability for perpetrators of human rights violations.

Executive Summary

The National Human Rights Commission presents its yearly State of Human Rights Report in line with the NHRC Act 2017. The Report provides a summary of the state of human rights in The Gambia in 2022, challenges to the enjoyment of human rights, steps taken by the State to address these challenges and recommendations to the Government for enhanced protection and guarantee of rights and freedoms for all.

The Report addresses several human rights issues that occurred during the reporting period, including the unfortunate death of about 70 children due to Acute Kidney Injury, the high cost of living, the alleged foiled coup plot, the sentencing of the 6 NIA Officers for the killing of Ebrima Solo Sandeng, the State v Bubacarr Keita, caste discrimination and trafficking in persons. The Report also discusses other human rights issues such as freedom of expression, right to political participation, freedom of association and peaceful assembly, right to health, the rights of women, children, older persons and persons with disabilities, environmental rights, and other economic, social and cultural rights.

The Report discusses the Government White Paper on the TRRC Report, the steps taken by the Government to implement the recommendations, challenges encountered, initiatives undertaken by the Commission to monitor the implementation of the recommendations and the steps the Government should take to ensure the 'Never Again' mantra is realised.

The Report also provides updates on the complaints received through the Commission's Complaints Handling Procedures. In 2022 One hundred and four (104) human rights violation complaints were received, out of which eighty-seven (87) cases were investigated and appropriate remedial actions recommended, and seventeen (17) cases currently at various stages of the complaint handling process.

Lastly, the Report highlights measures taken by the State and non-state actors to address barriers to the enjoyment of human rights in 2022. The Commission had, in response to specific issues which threatened the enjoyment of human rights and peaceful co-existence, issued Press Statements to convey its concerns to the Government and the necessary actions it needed to take to address these issues. Specifically, Press Statements were issued when the following events occurred: Police use of unacceptable force against an unarmed civilian protesting against the disqualification by the IEC of a UDP candidate who wanted to contest the parliamentary elections; the fatal shooting by Senegalese soldiers in the Casamance border of 4 men who possessed both Gambian identity cards and UNHCR Refugee cards which indicated they were Senegalese nationals; and the alleged coup plot and subsequent arrests of the suspects. In all these instances, the Commission proffered recommendations to the Government and engaged the relevant State institutions to ensure the observance of due process, rule of law and Constitutionalism.

Country Report of The Republic of The Gambia

Population	2,7 million ¹
Population Density	253.16/km ² (27 th)
Population Growth	2.59%
Fertility Rate	4.973 births per woman
Life Expectancy	62.92 ²
Socio-Economic Indices	
• GDP	\$2.08 Billion ³
• Inflation	12.3 % ⁴
• Primary School Education	94.7%
• Secondary School Education	46.2%
• Tertiary Education	46.3%
• Literacy Level	50.8% ⁵
• Health Facilities	190 ⁶

¹Gambia Population 2022 (Live) (worldpopulationreview.com).

²Gambia Life Expectancy 1950-2022 | MacroTrends.

³[https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=GM.](https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=GM)

⁴[https://www.worldbank.org/en/country/gambia/overview#3.](https://www.worldbank.org/en/country/gambia/overview#3)

⁵[https://www.cia.gov/the-world-factbook/countries/gambia-the/.](https://www.cia.gov/the-world-factbook/countries/gambia-the/)

⁶[https://www.moh.gov.gm/wp-content/uploads/2022/08/Final-Service-Statistic-Report-2021-1-compressed_compressed-1-compressed-1-1.pdf.](https://www.moh.gov.gm/wp-content/uploads/2022/08/Final-Service-Statistic-Report-2021-1-compressed_compressed-1-compressed-1-1.pdf)

Key Human Rights Instruments Not Ratified/Acceded to by The Gambia

Despite significant ratification of international and regional instruments, there remain important human rights instruments that are yet to be signed or ratified by The Gambia.

s/n	Instrument	Organisation	Description
1.	Optional Protocol to the Convention against Torture	United Nations	It supplements the 1984 CAT and establishes an inspection system for places of detention
2.	Optional Protocol to the CRC on a Communications Procedure	United Nations	Recognizes that children have the right to appeal to an international mechanism specific to them when national mechanisms fail to address violations effectively.
3.	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	United Nations	It enables victims of economic, social and cultural rights to present complaints to the UN Committee on Economic Social and Cultural Rights.

4.	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa	African Union	The Protocol aims to strengthen regional protection for the rights of older persons, enhancing the rights of older persons on an equal basis with other population groups.
5.	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa	African Union	The Protocol seeks to ensure the full and equal enjoyment of all human and people's rights by all persons with disabilities

1. Respect for the Integrity of the Person, including Deprivation of Life

The Gambia continues to maintain a moratorium on the execution of the Death Penalty. The State has also shown initiative towards its abolition through the ratification of the Second Protocol to the ICCPR. In the 2021 State of Human Rights Report, the NHRC recommended the repeal of the death penalty from the Criminal Code in line with the Second Optional Protocol to ICCPR. The State is, however, yet to comply with this recommendation. In this regard, a sentence of death can be passed by the High Court for crimes punishable by death as long as the law continues to exist. This was evidenced in

July 2022, when Yankuba Badjie and four other former NIA Officers were sentenced to death following their conviction for the murder of Ebrima Solo Sandeng in 2016.⁷ This form of punishment has been criticised for being a violation of the right to life.⁸ As such, The NHRC continues to encourage the Government to take necessary steps towards the abolition of the death penalty in line with its international obligations.

The Government of The Gambia has an obligation under the 1997 Constitution, the African Charter as well as the International Covenant on Civil and Political Rights to prevent the arbitrary deprivation of life in The Gambia.⁹ It is in this vein that the Commission urges the Government to thoroughly investigate the shooting of four (4) men purported to have had both Gambian and Senegalese citizenship by Senegalese soldiers which happened on 9th December 2022 at the Foni-Cassamance border and make public its findings. This fatal shooting, purportedly carried out by drones belonging to the Senegalese Army, killed the 3 civilians and seriously injured another.¹⁰ The Government is yet to publish its investigation report and no individual has so far been held accountable for their role in the fatal shooting.

⁷Foroyaa, 14th July 2022: [Court Sentences Yankuba Badjie & Co to Death | Foroyaa Newspaper](#).

⁸See for example Nigel S. Rodley 'The Death Penalty as a human rights issue' in Ivan Simonovic (ed) Moving away from the death penalty: arguments, trends and perspectives' 2015 p 204..

⁹See the African Commissions General Comment No. 3 on the ACHPR.

¹⁰NHRC 'Press Statement on the shooting of four Gambians by Senegalese forces' 14th December 2022.

Recommendations:

1. The Ministry of Justice to take steps to repeal the death penalty from the Criminal Code and Criminal Procedure Code in line with the Second Optional Protocol to the International Covenant on Civil and Political Rights which the State has ratified;
2. The Ministry of Interior to diligently investigate the shootings of Four (4) men by Senegalese soldiers on the Foni-Casamance border, make the findings of such an investigation public and hold those responsible accountable; and
3. The Ministry of Justice and the Ministry of Interior to take measures to protect the sanctity of life which is enshrined in the 1997 Constitution and other regional and international human rights instruments the Gambia is a party to such as the [1951 Refugee Convention](#), as amended by the [1967 Protocol](#), [1969 OAU Refugee Convention](#) and the [1998 UN Guiding Principles on the specific needs of internally displaced persons](#) worldwide.

2. Prevention of Enforced Disappearances

During the reporting year, no case of enforced disappearances was reported. The TRRC, however, made a series of recommendations regarding enforced disappearances in its report. Nearly all of these recommendations were accepted by the Government in its White Paper released in May 2022. The Government also noted some of

the following recommendations in the Report of the Working Group on Enforced or Involuntary Disappearances following its mission to The Gambia:¹¹

1. Ensure preservation of the sites and the protection of the chain of custody of the samples taken; reinforce the forensic capacity of the investigators, the prosecutors and the judiciary and ensure that they have adequate resources;
2. Adopt a comprehensive strategy and plan for search, identification, excavation and proper investigation of existing burial sites and identification of new ones;
3. Develop a gender-sensitive policy and action plan to provide support and rehabilitation for families of forcibly disappeared persons, including specific measures to support families of disappeared persons whose death is confirmed through the truth-seeking processes.

Although the Government has not yet started the effective implementation of its White Paper on the TRRC Report and some of the recommendations it has accepted in the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to The Gambia, victim-focused and victim-led organisations have taken initiatives to popularize the aforementioned White Paper, including enhancing the capacity of relevant stakeholders on the

¹¹The Government White Paper on the TRRC Recommendations p 104.

role of forensics in the investigations of human rights violations. The Commission has also organised workshops and conferences on the TRRC Recommendations and the Government White Paper and continues to encourage the Ministry of Justice to expedite the release of its Implementation Strategy.

3. Protection against Torture, Cruel, Inhumane and Degrading Treatment or Punishment

The Gambia is a State Party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which it ratified in September 2018. It has also drafted a Prevention and Prohibition of Torture Bill 2020, domesticating the Convention. However, this Bill is yet to be enacted by the National Assembly.¹² Thus, there currently exists no normative basis for the prosecution or punishment of individuals for offences of torture or inhuman treatment.

On 11th March 2022, the Commission issued a Press Statement after verifying the authenticity of a video on social media in which a group of Police Intervention Unit Officers (PIU) in full riot gear were recorded kicking and beating an unarmed civilian who was part of a group protesting the rejection by the IEC officials of the nomination of Momodou Sabally, a member of the UDP, who wanted to contest the Busumbala Constituency in the April 2022 Legislative Election. In the Statement, the Commission strongly condemned the actions of the Paramilitary officers and called on the Inspector

¹²NHRC State of Human Rights Report 2021 p 24.

General of Police to immediately identify and hold accountable the officers who were assaulting the said civilian. Furthermore, upon receipt of information that the Inspector General of Police had instituted a Panel to investigate the circumstances surrounding the alleged assault, the Commission advised that the case be impartially dealt with, and the findings of the Panel shared with the NHRC. However, the NHRC is yet to receive any information about the findings of this investigative Panel.

Despite the efforts made by the State in recent years, challenges still exist which continue to affect effective protection from torture, cruel, inhuman and degrading treatment. These challenges include:

1. Absence of a comprehensive law that expressly criminalises torture;
2. Limited knowledge on human rights law by law enforcement officers; and
3. Absence of an effective investigation and disciplinary mechanism within law enforcement agencies which perpetuates a culture of impunity.

Recommendations:

1. The National Assembly to expedite the enactment of the Torture Bill 2020;
2. The Inspector General of Police to empower and further strengthen the Police Human Rights and Professional Standard Unit to be able to effectively investigate all cases

- of alleged human rights violations against Police officers and implement the recommendations;
3. The Gambia Immigration Department (GID) and Drug Law Enforcement Agency - Gambia (DLEAG) to establish internal accountability mechanisms to investigate all allegations of torture and ensure that recommendations made by these mechanisms are implemented; and
 4. The Ministries of Interior and Defense to ensure that human rights are included in the Curricula of all law enforcement Training Schools.

4. Right to Liberty

In the 2021 State of Human Rights Report, the Commission reported the arrest and detention of Neneh Freda Gomez, Gilbert Gomez and Ismaila Sey in Bijilo.¹³ It also noted with concern the non-compliance by the Police with section 19 of the 1997 Constitution of The Gambia as well as outright defiance of existing Court orders. In relation to the same subject, on 5th July 2022, Ms. Gomez was rearrested and briefly detained at the Senegambia Police Station. Journalist Yusef Taylor of Gainako was also arrested and charged with obstruction for his attempts to take pictures of Neneh Freda's injured fingers as well as report her arrest. The failure of the State to provide a final solution to the Global Hearts of Medical Mission land case continues to pose successive threats to the liberty of Ms. Gomez and her colleagues.

¹³NHRC State of Human Rights Report 2021 p 24.

The Gambia prison system has long been criticized for its dilapidated structures, non-conducive conditions for inmates, and lack of training prospects for prisoners. In June 2022, the Minister of Interior presided over the inauguration of a newly constructed Technical and Vocational Training Centre, a Legal Aid Office and a renovated Female Wing at the Janjangbureh Prison, in the Central River Region, which was funded by the UNDP in partnership with Insight Training Centre. The support contributed towards the realisation of the wider prison reform programme and the reformation of the Gambia Prison Services in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)¹⁴. The NHRC commends the Prisons Department for the initiative and urges the Government to continue working with partners to bring prison facilities in line with international best practices and promote the effective rehabilitation of prisoners.

The Commission on 21 December 2022 issued a Press Statement following the Government's report on 20 December 2022 of an alleged foiled coup attempt and the subsequent arrest of some soldiers and officers alleged to be involved in the plot. While it condemned the alleged attempt to overthrow a democratically elected Government, the Commission reminded the Government and The Gambia Armed Forces of their obligations to observe, respect and protect the fundamental human rights of the suspects as guaranteed under Chapter 4 of the 1997 Constitution, the International Covenant on Civil and Political Rights and the

¹⁴The Point, Tuesday 5th July 2022: [Interior minister inaugurates TVET Centre, Legal Aid Desk, renovated female wing at Janjangbureh Prison - The Point](#).

African Charter on Human and Peoples’ Rights. These obligations of the State, in particular obligations to observe and respect due process, the rule of law and the right to liberty and the security of the person, were reiterated when other military personnel and some civilians were arrested in connection with the alleged coup.¹⁵ Since the arrests, the Commission has been monitoring the process to ascertain whether the State is respecting the human rights of the detainees.

On 21 December 2022, Mr. Momodou Sabally, the Campaign Manager of the United Democratic Party (UDP), was arrested by the Police in connection with a video in which he was speaking to UDP Tiktokers and made certain remarks which were deemed felonious by the Police. The video was recorded a week before the announcement of the alleged coup d’etat. The Commission visited Mr. Sabally while he was in detention at the headquarters of the Police Intervention Unit in Kanifing and advised the Police high command to ensure strict observance of due process in the case and uphold and respect his fundamental human rights. While the Police were granted permission by the Kanifing High Court, through an application, to extend the detention of Mr. Sabally beyond the 72 hours stipulated in the 1997 Constitution, he was later released unconditionally on 30 December 2022 without charge after the intervention of the Supreme Islamic Council. The arrest and subsequent detention of Mr. Sabally without a charge were widely condemned as arbitrary and unconstitutional, and an attempt by the State to silence its critics.¹⁶

¹⁵National Human Rights Commission ‘statement on the alleged foiled coup plot by some soldiers of the Gambia Armed Forces’ 21 December 2022.

¹⁶<https://standard.gm/momodou-sabally-arrested/>.

Recommendations:

1. The Ministry of Interior to bring prison facilities in line with international best practices and promote the effective rehabilitation of prisoners;
2. The Ministry of Justice to respect the decision of the Court in the case of Neneh Freda Gomez and others vs the State;
3. The Inspector General of Police to ensure the Police always follow due process in the detention of individuals suspected of a crime; and
4. The Ministry of Interior and the Office of the National Security Advisor to expedite the implementation of the Security Sector Reform agenda.

5. Right to a Fair trial and Access to Justice

In the 2021 State of Human Rights Report, the NHRC recommended the introduction of mobile courts to areas where access to a court is limited. This was in response to the long distance that some litigants travel to access justice. This reality remains true for many litigants in rural Gambia. The African Commission on Human and Peoples' Rights "Principles and Guidelines of the Right to a Fair Trial and Legal Assistance in Africa" 2003 indicates some basic requirements for a fair trial. These include equality of access by women and men to judicial bodies and equality before the law in any legal proceedings, and entitlement to a determination of their rights and obligations

without undue delay and with adequate notice of and reasons for the decisions. Even though there are courts in all the regions in The Gambia, branches of the High Court of The Gambia remain concentrated in the regional capitals. Litigants, therefore, travel a long distance to access the courts. Some Magistrates Courts in the regions such as Kuntaur also lack the requisite infrastructure and operate within improvised settings such as police stations. This presents a potential for the questioning of the institutional independence of the Judiciary. The Government of The Gambia should therefore improve the accessibility of justice throughout the country and build proper Magistrates Courts.

In July 2022, seven (7) former NIA officers were found guilty of the murder of Ebrima Solo Sandeng. The Commission commends the Government of The Gambia for its efforts to ensure accountability and justice for the families of victims, including the family of the late Solo Sandeng. It, however, reminds the State of its obligations as per the Government White Paper on the TRRC Report to prosecute and deliver justice in respect of perpetrators who bear the greatest responsibility for atrocity crimes.

In September 2022, the National Assembly Standing Committee on Human Rights and Constitutional Matters visited Prisons and police detention cells around the country and found many people on remand, including some who were on remand for more than 5 years.¹⁷ The NHRC's routine visits to the Prisons also uncover the same situation. Timely disposal of cases in the courts is an integral part of ensuring access to justice and consequently, the

¹⁷<https://thepoint.gm/africa/gambia/headlines/hon-cesay-gambias-prison-cells-do-not-meet-human-rights-standard>.

State should expedite prosecutions of those on remand.

Recommendations:

1. The Judiciary to take measures to ensure the availability of courts and Judges in all the 5 Regions;
2. The Judiciary, and the Ministries of Justice and Interior to expedite the trial of those on remand; and
3. The Ministry of Justice to implement the recommendations in the Government White Paper on the TRRC Report relating to the prosecution of people held accountable for atrocity crimes.

6. Freedom of Speech and the Media

The right to freedom of speech and expression, including freedom of the press or the media and academic freedom, are guaranteed under section 25 of the 1997 Constitution of The Gambia. Compared to previous years, 2022 witnessed a decline in State censorship of the media, particularly violence against journalists. There has also been a notable proliferation of privately-owned and independent news media in The Gambia, including online media.

However, the Commission remains concerned about hostility to dissenting opinions and the prevalence of ‘social censure’ and cancel culture. A complaint was received by the Commission on 3rd May 2022 regarding the comments by the President against a renowned human rights activist, in a statement made at the Ed-ul Fitr (Koriteh) meeting with the Muslim Elders of Banjul. Consequently, the Commission wrote to the Office of the President to express concern

over these remarks and reminded the Government of its obligations to respect, protect and fulfil human rights, including the protection of the right to freedom of expression and the right to life as guaranteed by the 1997 Constitution of the Republic of The Gambia and other regional and international human rights instruments ratified by The Gambia. The NHRC subsequently received a letter dated 14th July 2022 from the Ministry of Justice emanating from the Office of the President guaranteeing the right to freedom of expression of the said activist and all individuals.

Sedition remains an offence under the Criminal Code and carries a severe penalty including an imprisonment term. Criminal defamation and false publication are still punishable under Sections 178 – 179 and 181A of the Criminal Code respectively. The State is yet to amend Sections 25(4) and 209 of the Constitution or repeal Section 173A of the Information and Communications Amendment Act 2013 and Sections 51 and 52 of the Criminal Code which criminalise hateful remarks against the President of the Republic despite its acceptance of recommendations to repeal these sections following its participation in the third cycle of the Universal Periodic Review in November 2019.

Furthermore, the Access to Information Act 2021 is also yet to be effectively put into force and the Commission established under the Act is yet to be operational.

Recommendations to the Ministry of Information:

1. Fully implement the United Nations Plan of Action on the Safety of Journalists and the Issues of Impunity;

2. Put in place all the infrastructure to enforce the Access to Information Act 2021, including the establishment of the Information Commission;
3. Popularise the Access to Information Act 2021 and enforce its provisions;
4. Take steps to repeal sections 51-54 of the Criminal Code;
5. Encourage self-regulation of the media; and
6. Fully support the Media Council of The Gambia.

7. Freedom of Association and Assembly

Section 25(d) and (e) of the 1997 Constitution guarantees the right to freedom of association and assembly. The Gambia is also a party to several treaties that protect the right to assembly and association, including the right to protest and/or to form or join a political party. However, the right to freedom of association and assembly continues to be restricted in The Gambia. Section 5 of the Public Order Act (1963) requires every person or group to obtain a permit or licence for a public procession or protest from the Inspector General of Police or Governor of a Region. A challenge to the constitutionality of this section vis a viz section 25 of the Constitution failed because the Supreme Court determined that the limitations are in line with section 25 of the Constitution and international human rights standards.

Due to the discretionary power given to the Inspector General of Police by Section 5 of the Public Order Act, to grant or deny citizens' requests for a permit to protest, there have been instances when such requests have been denied. On 14 February

2022, Gambia Participates, an anti-corruption CSO, was denied a permit to protest at the National Assembly against the delay to enact the Anti-Corruption Commission Bill 2019. The 'Coalition of Progressives', which wanted to embark on a nationwide peace demonstration against the current economic hardship, high cost of living, corruption and unemployment, had their permit request denied on 25 August 2022 ostensibly on 'security grounds'. On 22 August September 2022, a group of youths in Banjul, known as the 'Arr Banjul Movement', also protested, albeit without a Police permit, against the deteriorating environmental situation in Banjul. Riot Police were stationed at strategic locations in the Capital and some members of the Police Intervention Unit (PIU) were at Bund Road where the protest was meant to take place. In the evening of this protest, the protest leaders were called in for questioning at the Police Headquarters in Banjul¹⁸. Some youths belonging to the UDP on 26 December 2022 protested the arrest and detention of Momodou Sabally and demanded his unconditional release. During the procession, PIU personnel used teargas to disperse the protesters and injured some in the crackdown.¹⁹

In its White Paper on the TRRC Report, the Government accepted the recommendation for the National Assembly to conduct a comprehensive review of the Public Order Act to bring it in line with international human rights instruments and customary

¹⁸[thepoint.gm/Kerr Fatou](https://thepoint.gm/Kerr_Fatou) www.kerrfatou.com/police-discourage-planned-protest-in-banjul).

¹⁹www.voicegambia.com/www.kerrfatou.com.

standards, and also agreed to ‘initiate a review’ of the said Act.

Recommendations to the Ministry of Interior:

1. To initiate the amendment of section 5 of the Public Order Act, from the requirement of a permit to only notification;
2. Encourage civic engagement around the issue of the right to freedom of association and assembly;
3. Enhance the capacity of law enforcement agencies on crowd control and management of public assemblies; and
4. Integrate the ‘Guidelines on Policing Public Assemblies in The Gambia’ in the training curricula of all law enforcement agencies.

8. Right to Vote and Participate

Political rights and the right to vote and be registered are guaranteed under Sections 26 and 39 respectively of the 1997 Constitution. To fulfil these rights, the Independent Electoral Commission (IEC) oversaw successful Legislative elections in April 2022. In the exercise of its mandate to promote and protect human rights in the country as stipulated in Section 12 of the NHRC Act 2017, the Commission monitored the elections, from the political campaign to the polling day, to ensure candidates and political parties complied with national and international human rights standards and best practices underpinning the conduct of free and fair elections.

The Commission’s observers monitored thirty-six (36) political campaigns and one hundred and twenty-five (125) polling centres across the country. The observers were guided by a

checklist developed by the NHRC which was informed by electoral best practices. At the end of this exercise, a comprehensive monitoring report was prepared and shared with the IEC, relevant Government institutions and political parties. Some of the findings and observations included: the presence of school children at political rallies, the low number of female candidates (19 out of 251 candidates), the near absence of candidates with disabilities (only one person with disabilities contested as a candidate), absence of sign language interpreters at rallies, unavailability of campaign materials in braille format, the unwillingness of some candidates, including Muhammed Kanteh (the Independent candidate for Busumbala Constituency) and Mai Ahmed Fatty (candidate for Wulli West), to allow Commission monitors to observe their campaigns, the hostility of some supporters to our monitors, cancellation of some rallies due to the Ramadan, absence of law enforcers at campaign grounds, and the use of hate speeches by some candidates. It was also observed that there was a limited number of candidates from religious minorities who contested in the National Assembly elections and none won or was nominated to serve in the National Assembly.

At the 5th Stake in the Nation Forum (SNF5) organised by Migration and Sustainable Development in The Gambia (MSDG) and held on 8 January 2022, the Minister of Higher Education, speaking on behalf of the President, 'urged all institutions of Government and State, and all stakeholders and development partners to redouble efforts to make diaspora voting a reality'²⁰. However, despite efforts to revise the current electoral framework, the Election Bill 2020 is

²⁰see www.gambia.com/govt-renews-commitment-to-diaspora-voting/.

still before the Parliament awaiting enactment.

Recommendations to IEC:

1. Provide election observers with timely campaign schedules to ensure campaign events are effectively monitored;
2. Embark on sensitization of communities on campaign ethics and the illegality of disrupting political campaigns;
3. Urge political parties and candidates not to involve children in their activities;
4. Urge political parties to increase the number of women and Persons with Disabilities (PwDs) candidates nominated to contest for elections; and
5. Exhort political parties and candidates to refrain from ‘personality politics’ and adhere to adopted electoral standards.

Recommendations to Government:

1. Ministry of Gender, Children and Social Welfare to undertake measures to ensure parents or guardians prevent their children from attending political rallies; and
2. Ministry of Interior and the Office of the Inspector General of Police to explore the possibility of providing security to candidates during campaign periods to manage the large crowds that attend political rallies and ensure troubles do not escalate.

Recommendations to Political Parties and Independent Candidates:

1. Take deliberate steps to increase the number of women, PWDs, and minority religious groups nominated to contest in elections;
2. Take deliberate steps to stop or prevent children from attending their political rallies and campaigns;
3. Refrain from personal attacks and hate speech during political events and adhere to the IEC Code of Conduct and other electoral standards; and
4. Include special measures in campaigns to ensure PWDs effectively participate in campaign events.

9. Right to Non- Discrimination and the Caste System

Section 20 of the 1997 Constitution of The Gambia protects against slavery and Section 33 recognises the right to non-discrimination. The latter provides for equality before the law and prohibits discriminatory treatment by public functionaries and public authorities. The Constitution also defines discrimination as differential treatment based on race, colour, gender, language, religion, national or social origin, birth, property or other status. However, ‘caste’ is not explicitly mentioned as one of the prohibited grounds for discrimination.

Notwithstanding existing laws on non-discrimination, media publications in 2022 have revealed the existence of caste-based

discrimination in parts of the country and limited access to justice for victims of such discrimination. According to a publication of The Standard newspaper on 7th of March 2022, six people from Sotuma Sare in the Upper River Region (URR) were arraigned at the Basse Magistrates' Court for allegedly assaulting another member of the community over a caste system dispute. The six persons were charged with conspiracy to commit a felony, going armed in public, and assault causing actual bodily harm. It was, however, later reported that the case was withdrawn after the prosecutor informed the Basse Magistrates Court that the residents of the community where the event occurred had convened a meeting and amicably resolved the matter.²¹

On 7 February 2022, the Commission, with the support of the British High Commission, validated its Study Report on Caste and Descent-based Discrimination in The Gambia. The Study revealed the magnitude of caste and descent-based discrimination in the country, the drivers of the discrimination, communities in which such forms of discrimination are prevalent, the challenges being faced by those enduring the discrimination, and strategies the State should have in place to protect all persons against discrimination.

Recommendations:

1. Ministry of Lands, Regional Government and Religious Affairs to promote dialogue for peaceful co-existence and respect for human rights in communities where caste-

²¹<https://standard.gm/jimara-caste-case-withdraw>.

- based discrimination exists or is prominent;
2. Ministry of Justice to take steps to amend section 33 of the Constitution to include “descent and caste” as grounds for prohibited discrimination;
 3. Ministry of Lands, Regional Government and Religious Affairs to use the NHRC Study on Caste and Descent based Discrimination in The Gambia to formulate and effectively implement a comprehensive national strategy to eliminate caste-based discrimination;
 4. Ministry of Lands, Regional Government and Religious Affairs to collaborate with the Gambia Bureau of Statistics to conduct a national survey on descent and caste-based discrimination to provide a holistic understanding of the situation in The Gambia, what measures need to be taken to eradicate the practice and what prevailing factors enhance it;
 5. Ministry of Justice to prosecute individuals who commit crimes based on caste or prevent or discourage victims from reporting; and provide adequate compensation to victims of such crimes; and
 6. Ministry of Basic and Secondary Education to incorporate human rights into the basic and senior secondary school curricula to nurture a culture of respect for human rights amongst children.

10. TRRC Report and the Government White Paper on the Report of the TRRC

The Government on 25 May 2022 released its White Paper on the TRRC Report, setting out its position on the TRRC recommendations. Out of the 265 recommendations issued on the Seventeen Themes covered by the TRRC, the Government outrightly rejected only two of the recommendations. The release of the White Paper was positively received by the public, and the Commission commended the Government for its transparency in making the report accessible to all stakeholders immediately following its release.

Since the release of the White Paper and towards efforts of its implementation, the Government has suspended twenty-two (22) individuals adversely mentioned in the TRRC Report and drafted a Reparations Bill 2022 which would establish the Victims Reparations Commission. With the support of partners, the Ministry of Justice has held several discussions with stakeholders about the Bill, including victims-focused organisations. The Government has committed to prosecuting individuals who bear the greatest responsibility for human rights violations and abuses and set up a Special Prosecutor's Office under the Ministry of Justice. With the domestic courts lacking jurisdiction to prosecute crimes such as torture and enforced disappearance, in October 2022 the Attorney General and Minister of Justice met with the President of the ECOWAS Commission to explore the establishment of a hybrid court to prosecute those who bear the greatest responsibility.

Being given the role to monitor the implementation of the White Paper, the Commission has developed an online monitoring tool to track the implementation of the recommendations. Additionally, in December 2022, the Multi-Stakeholder Committee constituted by the Commission to support it in the monitoring process held its

inaugural meeting.

Although the Government has taken positive steps towards implementing the TRRC recommendations, in June 2022 the Attorney General and Minister of Justice disclosed before the National Assembly Standing Committee on Human Rights and Constitutional Matters that the Government has experienced setbacks in the implementation of the recommendations due to limited resources and challenges in resource mobilization.²² Notwithstanding, the Attorney General assured the Committee that the “Government is sensitive to the plight of victims” who remain at the centre of the process.²³

The NHRC encourages the Government to release its much-awaited implementation plan on the White Paper as well as its Prosecutorial Strategy. These documents are expected to contribute to managing public expectations on the implementation process, allay fears of victims and victim-led Organisations about the political will to implement the recommendations and support the Commission to effectively monitor the implementation of the recommendations.

Recommendations to the Ministry of Justice:

1. Take the necessary steps to finalise and release its Implementation Plan and Prosecutorial Strategy on the White Paper;
2. Expedite the drafting and reviewing of the Reparations Bill

²²<https://thepoint.gm/africa/gambia/headlines/no-resources-to-implement-trrc-recommendations-this-year>.

²³As Above.

- and table it before the National Assembly;
3. Continue engaging stakeholders in the implementation of the White Paper;
 4. Allocate adequate financial resources for the implementation of the White Paper; and
 5. Recruit the necessary personnel to support the implementation of the White Paper.

11. Rights of Persons with Disabilities (PwDs)

The Persons with Disabilities Act was passed by National Assembly in July 2021, thereby domesticating the Convention on the Rights of Persons with Disabilities. However, since its enactment, a commencement date is yet to be Gazetted. Thus, for all intents and purposes, the Persons with Disabilities Act 2021 is not yet in force.

Persons with disabilities continue to face significant challenges in the enjoyment of their fundamental rights. According to the Gambia Federation of the Disabled, the challenges faced by persons with disabilities include discrimination, stigmatisation, economic disempowerment, limited access to educational and health facilities, lack of social protection, and inadequate access to information, especially for the hard of hearing and visually impaired.²⁴ Persons with Disabilities are not adequately represented in decision-making bodies at all levels of society, particularly in political bodies, and their participation in public life remains very low. In the April 2022

²⁴Gambia Federation of the Disabled.

Parliamentary elections, only 1 person out of the 251 candidates was a person with a disability, and that individual contested as an independent candidate. Consequently, there are no persons with disabilities in the current National Assembly. The non-representation of this group in the National Assembly opens the potential for issues affecting persons with disabilities not to be adequately addressed in the Legislative arm of government. Furthermore, there is also no person with disabilities in the current Cabinet.

Children with disabilities also continue to be disproportionately affected in education. They risk being left behind as there are limited schools that specifically cater to their needs and the inadequacy of assistive devices negatively impacts their performance in school. In this regard, the NHRC brings the State's attention to CESCR General Comment 5 on Persons with Disabilities and Articles 13 and 14 of the Covenant on Economic, Social and Cultural Rights. The CESCR Committee reiterated that "States should recognize the principle of equal primary and tertiary education opportunities for children, youth and adults with disabilities in integrated settings"²⁵. To achieve this approach, "States are to ensure that teachers are trained to educate children with disabilities within regular schools and that the necessary equipment and support are available to bring persons with disabilities up to the same level of education as their non-disabled peers"²⁶.

The Gambia ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2015. However, since the ratification, the

²⁵CESCR General Comment No. 5: Persons with Disabilities.

²⁶As Above.

State has not submitted its initial report to the CRPD Committee. Notwithstanding these challenges, the NHRC commends the Government for taking steps during the reporting year to include Persons with Disabilities in important national policy discussions and decision-making spaces such as the development of the National Development Plan 2023 - 2027 (NDP).²⁷ This positive step will ensure that issues affecting persons with disabilities are reflected and addressed in the new development framework of the country.

In December 2022, in line with Section 8 of the Persons with Disabilities Act 2021, the National Advisory Council for Persons with Disabilities was inaugurated. The Council, which comprises 15 members, includes representatives from the Ministries of Gender, Justice, Finance, Health, and Local Government, Gambia Federation of the Disabled and other members nominated in accordance with the Act. The objectives of the Council are, amongst other things, to promote the implementation and equalisation of opportunities for persons with disabilities, advise on the impact of policies and programmes for equality and full participation of PwDs and advocate for effective service delivery and collaboration between service providers and PwDs.

Recommendations to the Ministry of Gender, Children and Social Welfare:

1. Publish in the Gazette the commencement date for the

²⁷Gambia Federation of the Disabled.

Persons with Disabilities Act 2021;

2. Ensure and promote the full realization of all human rights and fundamental freedoms of all persons with disabilities without discrimination;
3. Submit the outstanding initial State report on the CRPD which was due in 2017;
4. Encourage political parties to include persons with disabilities in their party structures and decision-making bodies;
5. Provide PWDs with social protection measures to enhance their standard of living; and
6. Double efforts to ensure children with disabilities enjoy the same quality of education as their other peers while moving towards realising its obligation for such children to be part of mainstream schools.

12. Rights of Women

The number of women occupying senior decision-making positions in Government remained low during the reporting year, with The Gambia yet to attain 30% female representation in the National Assembly. Efforts were made, before the National Assembly elections, to table a private member's bill to introduce a 30% quota system but it failed to gain support in Parliament. In April 2022, The Gambia held its National Assembly elections with few women standing as party or

²⁸The Point Newspaper, 29 April 2022: [Gender Right Activists raise concerns over low women representation in parliament - The Point](#).

independent candidates.²⁸ Out of the 251 candidates, only 19 were women and of which only three were elected. The other 2 women in the 58-member National Assembly were nominated by the President.

The representation of women continues to remain notable within the Judiciary with an increase in the number of female Judges in the superior courts and the unprecedented appointment of two women Cadis during the reporting period. On the other hand, the representation of women in the Cabinet remains inadequate with three female Cabinet Ministers out of twenty-one. Furthermore, although women are represented in the public sector, their representation in decision-making positions continues to remain poor. This clearly shows that women's participation in public and private spheres is still low despite constituting about 52.4 per cent of the country's population.

The total number of reported SGBV cases for the reporting period was 597.²⁹ However, notable efforts have been made by the Government during the reporting year to address Sexual and Gender-Based Violence in The Gambia. In 2022, the SGBV Unit of the Ministry of Justice conducted public sensitisation on the Sexual Offences Act 2013, the Criminal Code, the Domestic Violence Act 2013 and the Women's Act 2010 in the Central River Region and the Upper River Region. With support from the Ministry of Gender, Children and Social Welfare, two hundred (200) participants from both regions were also informed of the social support and remedies available to victims of SGBV. Civil Society Organisations such as the Network Against

²⁹SGBV Data From One- Stop Center in the Gambia in 2022.

Gender-Based Violence, Think Young Women, The Girls Agenda and ActionAid The Gambia have also engaged in awareness creation and capacity building on SGBV. On 17 November 2022, the PF Initiative, formerly Paradise Foundation, in collaboration with the Ministry of Gender, Children and Social Welfare and with support from UNFPA, launched the ‘Speakout’ campaign against SGBV and to popularise the 1313 helpline.³⁰

Despite efforts of the SGBV Unit of the Ministry of Justice to address SGBV, it continues to face barriers such as challenges in prosecuting cases due to difficulties in securing the attendance of the victims and witnesses in court, absence of a specific register or case management system to effectively track SGBV cases being handled by the Unit, absence of specialised Courts to handle SGBV cases, absence of a database to register sex offenders and undue delay by the Police in forwarding of case files following investigations. Furthermore, the absence of a Witness Protection Policy and Act contributes negatively to efforts in addressing SGBV in The Gambia.

October 2022 witnessed the collapse of the State prosecution against one Bubacar Keita who was facing a charge of rape against a fifteen-year-old girl. The NHRC records with deep concern that the paternity of the child born from a circumstance of rape was made the principal element in the prosecution of the case which led to the eventual collapse of the case. Additionally, throughout the prosecution of the case, the victim, a minor, and her family were the subject of mockery and hate both online and offline and several

³⁰thepoint.gm/africa/gambia/national-news/pfi-launches-speakout-campaign-to-popularise-gbv-helplines, published on 22 November.

media outlets unveiled her identity in contravention of provisions of the Sexual Offences Act 2013 and the Children’s Act 2005. Despite these serious violations, the State held no one accountable for violating the privacy of the victim and her access to justice.

The NHRC reminds the Government of its obligations under national and international laws to investigate, prosecute, and hold to account perpetrators of sexual and gender-based violence and to ensure victims/survivors are provided with adequate redress for the violation they have suffered.³¹ As emphasized by the Committee on the CEDAW under General recommendation No. 35, failure of the State to fulfil its obligation provides “tacit permission or encouragement to perpetrate acts of gender-based violence against women”.³² The NHRC urges the State to take stock of the lessons from this case to prevent a repeat of it. Also, it urges the State to adopt lessons learned from the case to enhance the confidence of women to report violations suffered. The prosecution and eventual collapse of this case can greatly impact the confidence of women to report cases of SGBV which is already highly underreported.

The NHRC commends the Government of the Gambia through the Ministry of Gender, Children and Social Welfare for fulfilling its reporting obligations under the Convention Against the Elimination of All forms of Discrimination Against Women (CEDAW). In October 2022, The Gambia’s 6th periodic report was reviewed by the CEDAW Committee in Geneva, Switzerland. During the review process, the

³¹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F35&Lang=en.

³²As Above.

CEDAW Committee also considered shadow reports submitted by CSOs and the complementary report of the National Human Rights Commission.

In its Concluding Observations following the constructive dialogue with the State, the CEDAW Committee³³ commended the Government for taking positive steps since its last review through legislative and policy frameworks to accelerate the elimination of discrimination against women and promoting gender equality³⁴. The Committee also identified areas of concern and provided recommendations to the Government in the following areas: women's participation in political and public life, sexual and gender-based violence, implementation and enforcement of legislation on women's rights and protection, women's access to justice, human trafficking and sexual exploitation, harmful traditional practices and women's economic empowerment.

Some of the key recommendations made to The Gambia³⁵ specific to protection against SGBV include to:

1. Raise awareness among women about their rights under the Domestic Violence Act (2013) and the Sexual Offences Act (2013), on how to file complaints about incidents of gender-based violence, and about the sexual and gender-based violence hotline;
2. Ensure that women and girls who are victims of gender-

³³https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGMB%2FCO%2F6&Lang=en.

³⁴As Above.

³⁵As Above.

based violence have access to effective remedies and protection, including emergency protection orders and support services, including immediate issuance of medical examination certificates free of charge, adequate and accessible shelters, specialized assistance and rehabilitation;

3. Effectively implement Section 15(1) of the Women's Act 2010 requiring all public institutions, authorities, and private enterprises to adopt temporary special measures to accelerate substantive equality of women and men, including by adopting a quota of 30 per cent for the representation of either sex in the National Assembly and local assemblies, providing incentives for political parties to nominate an equal number of women and men as candidates for elections, introducing fines for non-compliance, and providing for preferential recruitment of women to senior management positions in the public service, including in State-owned enterprises; and
4. Conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for achieving political stability and economic development in the State party.

Recommendations:

1. The State to implement the Concluding Observations issued in October 2022 by the Committee on the CEDAW;
2. The Ministry of Justice to adhere to its obligation to diligently and effectively investigate and prosecute all cases of SGBV and protect the privacy of victims and their families;
3. Ministry of Justice to hold accountable as provided by law individuals who violate the privacy of SGBV victims;
4. Ministry of Justice to look into circumstances that led to the collapse of the prosecution of *The State v Bubacarr Keita* to prevent the recurrence of such a situation;
5. The Ministry of Justice to urgently investigate, prosecute, and hold to account perpetrators of sexual and gender-based violence and ensure victims/survivors are provided with adequate redress for the violation they have suffered, particularly the victim in *The State v Bubacarr Keita*;
6. The Ministries of Justice and Gender, Children and Social Welfare to work with stakeholders to continue popularising legislation protecting the rights of women and girls;
7. The Ministry of Justice to effectively enforce and implement the Women's Act 2010, Domestic Violence Act 2013, and the Sexual Offences Act 2013 to enhance the protection of women in the country;
8. The State to adopt urgent measures to increase the number of women occupying decision-making positions

- in Government; and
9. The State to introduce a 30 percent quota system in the National Assembly to increase the representation of women in the National Assembly.

13. Rights of Older Persons

Older persons continue to face barriers to the enjoyment of their fundamental human rights. These challenges include social exclusion, limited access to mainstream services, vulnerability to abuse and discrimination due to their age and limited information on how to access justice.

On 15 October 2022, in commemoration of the International Day of Older Persons and as part of efforts to raise awareness on challenges faced by older persons, the Commission, in collaboration with the Gambian Association of Resident Doctors and Chosan Charitable Medical Foundation, organized free health screenings in Banjul, Serrekunda and Brikama for older persons, particularly older women.

The results of the consultations on the new National Development Plan (2023-2027) held during the reporting year have helped to bring challenges faced by older persons to the forefront.³⁶ According to Ageing with a Smile Initiative, an organisation promoting the welfare of older persons, the Focused Group discussions including older people revealed that families take on the support role for older

³⁶Ageing with a Smile Initiative.

people although in some instances the quality of such support was said to be poor.³⁷ The Organisation further stated that the findings from its field consultations revealed that the health and well-being of older persons are characterised by the increasing prevalence of non-communicable diseases with limited access to health care.³⁸

In this regard, the Commission continues to encourage the Government to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. The Protocol recognizes the fundamental rights of older persons and urges State Parties to recognize the rights, duties and freedoms enshrined therein and adopt legislative or other measures to give effect to them.

Recommendations:

1. The State to sign, ratify and domesticate the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa;
2. The State to enact laws to protect the Rights of Older Persons;
3. The State to continue to take steps to ensure that Older Persons have a significant voice in the formulation of policies affecting them;
4. The State to partner with NGOs that are involved in advocating for the Rights of Older Persons to harmonize efforts for effective human rights-based care and support;

³⁷ As Above.

³⁸ As Above.

and

5. The Ministry of Gender, Children and Social Welfare to enhance support to the Bakoteh Home for the Elderly to cater to the needs of Older Persons.

14. Outbreak of Acute Kidney Injury Affecting Children

In August 2022, the Ministry of Health released a situational report where it confirmed the outbreak of a rare health condition known as Acute Kidney Injury (AKI).³⁹ At the time the report was published, the disease was said to have affected children aged 5 months to 4 years in Western 1, Western 2, Lower River Region and Central River Region.⁴⁰

As part of its immediate steps to address the situation, the Ministry of Health, according to its Situational Report on AKI, informed all Regional Health Directorates to strengthen surveillance for AKI, collect samples and detailed information of 8 patients from 4 Health Regions and send samples of both blood and drug for testing at the centre for Anti-Poison du Senegal Hospital de Fann.⁴¹

Following further clinical investigations, the Ministry revealed that the symptoms of the disease were linked to potentially

³⁹The Gambia Acute Kidney Injury Situational Report, Epidemiology and Disease Control <https://www.facebook.com/photo/?fbid=482410020554332&set=pcb.482410170554317>.

⁴⁰As Above.

⁴¹As Above.

contaminated paracetamol syrup, promethazine syrups and cough syrups.⁴² This finding was also confirmed by WHO in a Medical Product Alert released in October 2022 where it confirmed the death of 66 children in the Gambia and cautioned the public against the use of the identified cough syrups thought to be contaminated with diethylene glycol and ethylene glycol.⁴³ As a result, in October the Ministry of Health, in collaboration with the Medicines Control Agency and partners such as WHO and Gambia Red Cross Society, conducted a nationwide recall exercise of all paracetamol syrups, Promethazine syrups and cough Syrups.⁴⁴ Following the recall exercise, it was confirmed that of the 50,000 products imported, 41,462 were seized by the Medicines Control Agency leaving 8,538 unaccounted for.⁴⁵

In response to the death of the children, the NHRC in October 2022 also expressed its deep concern to the State in a letter addressed to the Ministry of Health. The letter reminded the State of the right to life as enshrined in the 1997 Constitution and international and regional human rights instruments The Gambia is a party to. It requested swift investigations as provided for under General Comment 3 on the African Charter on Human and Peoples' Rights on the right to life which indicates that where there

⁴²Ministry of Health Medicines Recall Exercise

<https://www.facebook.com/photo/?fbid=527443176051016&set=a.334039042058098>.

⁴³World Health Organization Medical Product Alert No 6/2022.

⁴⁴Ministry of Health Medicines Recall Exercise.

<https://www.facebook.com/photo/?fbid=527443176051016&set=a.334039042058098>.

⁴⁵<https://standard.gm/police-reveal-8538-bottles-of-contaminated-syrup-still-unaccounted-for-0/>.

is a deprivation of life “States should conduct prompt, impartial, thorough and transparent investigations and hold those responsible to account”.⁴⁶ This also includes providing an effective remedy and reparations for victims or their families where appropriate.⁴⁷

The NHRC applauds the National Assembly for seeking accountability for those responsible, including justice for the victims, by conducting a parliamentary inquiry into the AKI and related deaths. In its findings, the Select Committee on Health, Disaster, Refugees and Humanitarian Relief concluded that the cause of the AKI is linked to the consumption of contaminated medical products imported by Atlantic Pharmaceuticals and manufactured by Maiden Pharmaceutical Ltd India. The report recognised that the actual cause of death of the children is still under scientific investigation by the Ministry of Health and its partners. The Committee noted some fundamental challenges in The Gambia’s health system including inadequate human and institutional resources; unavailability of in-country quality laboratory services which contributed to the delay in obtaining test results linking the substandard syrups to the AKI; and the difficulties faced by Medicines Control Agency and the Pharmaceutical Council in implementing their mandate.

In its recommendations, the Select Committee mentioned, among others, the need for the establishment of a National Medicine Quality Control Laboratory under the control of the Medicines Control Agency, the speedy establishment of a functional Pharmacovigilance

⁴⁶General Comment No. 3 On The African Charter On Human And Peoples’ Rights: The Right To Life (Article 4).

⁴⁷As Above.

Unit at the MCA, the Government to pursue legal action against Maiden Pharmaceuticals for exporting contaminated drugs to The Gambia with the Atlantic Pharmaceuticals, strengthening of hospitals by the Government with necessary products/supplies for proper management of patients, and screening of products before they are released into the market for distribution and use.

The Select Committee also recommended reparations, including compensation and medical care, for surviving children and families of deceased children. The Report, however, did not recommend the prosecution or taking of legal action against any Gambian or legal entity which may have failed in their duty of due diligence and acted negligently resulting in the deaths of the children. Considering The Gambia's obligations to ensure accountability for all unlawful deaths, it is important that it takes all appropriate measures to remedy the deaths and avoid recurrence.

The Government in October 2022 also announced the setting up of a Taskforce to investigate the death of the children.⁴⁸ At the time the announcement was reported, there was an increase in AKI-related deaths to 70 children⁴⁹ with a potential of unreported cases. The Task Force, chaired by the Vice Chairperson of the Public Service Commission, held its initial meeting on 16th November 2022. It was given a 2-month mandate to complete its investigation and issue its report and recommendations to the President. By the end of the reporting period, the report of this Task Force was not published.

⁴⁸<https://standard.gm/govt-announces-inquiry-into-aki-outbreak-0/>.

⁴⁹As Above.

Recommendations:

1. The Ministry of Health to continue extensive sensitisation of the population in local languages about the risk of such drugs in the market, particularly in remote communities that may not be aware of the risks;
2. The Ministry of Health to expedite investigations and determine the circumstances in which the drugs were imported into The Gambia;
3. The Medicines Control Agency to conduct rigorous laboratory testing regime for all medicines before being passed for public consumption and subject medicines already in circulation to such testing processes to confirm their suitability for consumption or otherwise to protect lives;
4. The Ministry of Health to effectively investigate the potential unreported casualties for further assessment;
5. The Medicines Control Agency to seek technical and financial assistance to strengthen regulations on the importation of drugs and pharmaceuticals in The Gambia;
6. The Medicines Control Agency to explore the full latitude of the law for potential breaches of regulations/laws on the importation/ procurement of drugs to The Gambia by individuals, corporations, and agencies;
7. The State to provide effective remedies for all the affected victims and families;
8. The Ministry of Health to ensure the effective enforcement

and implementation of the Medicines and Related Products Act 2014 and a functional Medicines Control Agency; and

9. The Office of the President to publish the findings of the Presidential Taskforce set up to investigate the AKI cases and effectively implement its recommendations;

15. Trafficking in Persons

The Gambia remains at the Tier 2 category as per the US Department of State Trafficking in Persons Report 2022.⁵⁰ During the period under review, the National Agency Against Trafficking in Person (NAATIP) registered 54 cases of Trafficking in Persons (TIP) and its related offences. According to a statement delivered by the NAATIP Executive Director, there are three trafficking in persons cases ongoing in the courts, two on sexual exploitation and one on labour exploitation.⁵¹

The Executive Director also stated that the Government-initiated investigations of 14 suspects of alleged forced labour and sex trafficking and the courts convicted three defendants to 15 years imprisonment under anti-trafficking laws.⁵² The report also stated that during an operation, the authorities intercepted 37 vulnerable individuals en route to the Canary Islands for potential exploitation; authorities referred all 37 individuals to an international organization

⁵⁰US Department of State '2022 Trafficking in persons report: Gambia' <https://www.state.gov/reports/2022-trafficking-in-persons-report/gambia/> accessed 05 January 2023.

⁵¹Statement delivered by NAATIP Executive Director at a 3 day working Session on 2023 Trafficking in persons questionnaire.

⁵²As above.

for trafficking screening and services in accordance with NRM procedures.⁵³

The US State Department Trafficking in Persons Report 2022 notes that The Gambia Government did not fully comply with the minimum standards for the elimination of trafficking in persons as the responsible institutions lack the human capacity to adequately deal with trafficking in persons, and corruption continues to affect operations. The Report encouraged the Government of The Gambia to increase efforts to investigate and prosecute trafficking crimes and sentence convicted traffickers, including fraudulent labour recruiters, to significant prison terms. It also recommended constant training of law enforcement officers on trafficking in persons.

Recommendations to NAATIP:

1. Conduct a situational analysis on TIP in The Gambia to have a holistic understanding of the phenomenon in the country;
2. Adopt comprehensive national policies and programmes to effectively tackle the complex and varied dimensions of internet-based trafficking through security, human rights and technology-based approaches;
3. Develop the requisite implementation plans and programmes for the effective implementation of the National Referral Mechanism for the Protection and Assistance of Vulnerable Migrants and Victims of

⁵³As above.

Trafficking;

4. Review the Trafficking in Persons Act 2007 and other relevant legislation to protect vulnerable internet users, and regulate labour recruitment agencies; and
5. Establish regional and international partnerships to address trafficking as a transnational organized crime.

Recommendations to the State:

1. Enhance the capacity of NAATIP, the security agencies and other relevant stakeholders to address the multi-dimensional facets of Trafficking, especially internet-based trafficking; and
2. Provide adequate resources to NAATIP, the Gambia Tourism Board and other State agencies to raise awareness across the country on cyber-based trafficking and exploitation, and strengthen capacity for effective investigation and prosecution of trafficking cases;

16. Right to Health

The Ministry of Health has taken laudable steps during the reporting period to validate the National Health Sector Strategy Plan 2021-2025 to guide the effective implementation of the National Health

⁵⁴<https://thepoint.gm/africa/gambia/national-news/moh-validates-national-health-sector-strategy-plan-2021-2025>.

Policy 2021-2030⁵⁴.

Following the enactment of the National Health Insurance Act in 2021, progress has been made during the reporting year to implement the National Health Insurance Scheme in The Gambia through the inauguration of the new Board of Directors of the Gambia National Health Insurance Scheme Authority.⁵⁵ The Ministry of Health in August 2022 commenced a nationwide birth and national health insurance scheme registration exercises.⁵⁶ The National Health Insurance Scheme forms part of the Government's efforts to provide universal health coverage to all citizens. This is in line with The Gambia's obligations under Article 12 of the ICESCR as provided by the Human Rights Committee under General Comment No. 14: The Rights to the Highest Attainable Standard of Health (Art. 12).

Despite the steps taken, the Commission remains concerned about the availability of only one mental health facility in the country which is State-owned and with inadequately trained mental health professionals, and the existence of outdated laws to address mental health in The Gambia. Although the State has reviewed the Lunatic Detention Act 1964 and drafted the Mental Health Bill, limited steps have been taken to date to pass the Bill. The Commission encourages the State to take necessary measures to expedite the enactment of the Mental Health Bill. The Government is further reminded of its obligation under ICESCR General Comment No:14 to take necessary measures to train doctors and other medical personnel, provide

⁵⁵[https://gainako.com/moh-inaugurates-new-board-for-national-health-insurance-scheme/.](https://gainako.com/moh-inaugurates-new-board-for-national-health-insurance-scheme/)

⁵⁶[https://www.voicegambia.com/2022/08/11/moh-discusses-mass-birth-and-national-health-insurance-scheme-registration-requirements/.](https://www.voicegambia.com/2022/08/11/moh-discusses-mass-birth-and-national-health-insurance-scheme-registration-requirements/)

sufficient and quality hospitals, clinics and other related facilities and promote and support the establishment of institutions providing counselling and mental health services.⁵⁷ These services are required to be equitably distributed nationwide.⁵⁸

The NHRC commends the Government for its continued fight against the COVID-19 Pandemic. The last situational report released in September 2022 indicated 12,411 as the total number of reported cases since the first reported case and 371 as the total reported deaths.⁵⁹ However, the total estimated excess mortality was reported as 3,454.⁶⁰ In September 2022, the Ministry of Health embarked on a vaccination campaign to increase vaccination coverage to 70% of the population.⁶¹ As of November 2022, a total of 815, 861 doses of vaccines were administered in the country.⁶²

Although the Government has taken laudable steps to address cases of COVID-19 in the country, the pandemic has disrupted The Gambia's healthcare system over the past 2 years and has also diverted or reduced attention and resources to the fight against other diseases such as HIV & AIDS.⁶³ According to UNAIDS, it is estimated that nearly 26,000 adults and children live with HIV,

⁵⁷CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12).

⁵⁸CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12).

⁵⁹Situation Report for COVID-19: Gambia, 2022-09-01.

⁶⁰As Above.

⁶¹Ministry of Health Press Release on Nationwide COVID-19 Vaccination Campaign.

⁶²<https://covid19.who.int/region/afro/country/gm>.

⁶³<https://www.unaids.org/en/resources/presscentre/featurestories/2021/october/five-questions-gambia>.

with 15,000 of them being women. Out of this figure, it is reported that only 14,000 people living with HIV know their status.⁶⁴ Despite progress made in addressing stigma and discrimination, Persons Living with HIV (PLHIV) in The Gambia continue to face stigma and discrimination due to their status. One such challenge is the right to access health care services despite the existence of the HIV and Aids Prevention and Control Act 2015.⁶⁵ In the 2019 – 2020 DHS, questions posed to both men and women to assess discriminatory attitudes towards PLHIV⁶⁶ revealed that 70.8 % answered they would not buy fresh vegetables from a vendor known to be HIV-positive while 55.2 % stated that children living with HIV should not attend school.⁶⁷ Such discriminatory practices which disproportionately affect vulnerable groups may lead to avoidance of healthcare or challenges in accessing health care thereby contributing to the perpetuation of the virus.

In addressing some of these challenges faced by PLHIV, the National Human Rights Commission, in collaboration with the National Aids Secretariat, in September 2022 organized a three-day engagement with HIV/AIDS service providers to enhance their understanding of human rights principles guiding the provision of their services. Engagements were also held with PLHIV and key populations to enhance their access to HIV and Tuberculosis services.

⁶⁴UNAIDS Country Factsheet Gambia 2021

<https://www.unaids.org/en/regionscountries/countries/gambia>.

⁶⁵NHRC NAS Joint Press Release: World Aids Day 2022

<https://www.gm-nhrc.org/press-releases>.

⁶⁶The Gambia Demographic and Health Survey 2019 -2020.

⁶⁷UNAIDS Country Factsheet Gambia 2021

<https://www.unaids.org/en/regionscountries/countries/gambia>.

Some of the key recommendations from the engagements included the need to train healthcare workers on the human rights of KPs, create awareness of the impact of stigma and discrimination directed at KPs in schools, and intensify awareness raising programmes on the prevalence of HIV and AIDS and its preventative measures and management.

Recommendations to the Ministry of Health:

1. Accelerate the passing of the Mental Health Bill;
2. Review and develop an updated Mental Health Strategic Plan;
3. Continue efforts to reduce HIV related Stigma and discrimination;
4. Continue efforts to address the COVID-19 virus;

Recommendations to the Ministry of Justice:

1. Ratify and domesticate the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
2. Submit the State's long overdue periodic report on the ICESCR; and

17. Environmental Rights

The effects of climate change continue to adversely affect The Gambia as the summer of 2022 saw heavy rains in the country.

Severe floods left many communities devastated as dwellings were destroyed by flash floods. There were reports that at least 11 people lost their lives, 5000 people were internally displaced and over 40,000 people were severely affected by the floods.⁶⁸ The National Disaster Management Agency indicated that the July 2022 flash floods were the worst to hit The Gambia in nearly half a century.⁶⁹ The consequence was that the environment was severely affected as poor drainage, sanitation and urban planning caused waterlog.

Mining activities around the coastal areas and some towns in rural Gambia have also caused serious damage to the environment. In August 2022, the Minister of Energy and Petroleum expressed shock over damages caused by mining companies without regard to environmental standards.⁷⁰ This followed the Minister's tour of Tujereng, Brufut, Sanyang, and Kartong. The adverse effects of sand mining have been great in the mining communities and there have been calls for stiff regulation as communities and the environment continue to be affected.

Fish meal factories continue to operate in Kartong, Gunjur and Sanyang along the Atlantic Coast of The Gambia.⁷¹ The odour and toxic waste products from these factories continue to emit a foul scent into the environments they operate in. The boilers from the fishmeal factories are sources of carbon emission into the

⁶⁸ The Point Newspaper, 22nd August 2022: [UN disaster assessment & coordination team arrives in Banjul - The Point](#).

⁶⁹ The Point Newspaper, 16th August 2022: <https://thepoint.gm/africa/gambia/headlines/july-flash-floods-have-been-the-worst-to-ever-hit-gambia-in-nearly-half-century>.

⁷⁰ The Standard Newspaper, 25th August 2022: [Energy minister "shocked" by environmental damages mining caused - The Gambia | Standard News From The Gambia](#).

⁷¹ Letter from National Environment Agency dated 21st October 2022.

atmosphere which contributes to air pollution. These waste products are constant hazards to human health, aqua life and bio habitats. The activities of the fishmeal factories should be regulated and measures against pollution adopted. The NHRC reiterates the need for the adoption of a National Action Plan on Business and Human Rights to provide a blueprint for action.

To meet its obligations, The Gambia is in the process of enacting the National Environment Management Bill, 2022 and the Waste Bill 2022.⁷² The former is with the Attorney Generals Chambers for legislative review. The latter is intended to regulate waste management in the country and a Cabinet Paper developed to table the Bill before the National Assembly.⁷³ The National Environment Agency (NEA) should be empowered to adequately capture and analyse environmental issues in their Annual State of the Environment Report. The Government should also provide and implement long-term disaster risk reduction planning and strategies to address the menace of annual flooding to protect fundamental human rights.

Recommendations to National Environment Agency:

1. Improve urban planning and drainage systems to reduce water lodging and stagnation;
2. Develop early warning systems through the Department of Geology to enable the State to respond to looming floods

⁷²As Above.

⁷³As above.

- in disaster-risk areas;
3. Conduct a baseline assessment survey to gauge the effects of sand mining and fishmeal factories on the environment;
 4. To take measures for the enactment of legislation to regulate the operation of fishmeal factories in coastal towns;
 5. Implement the recommendations in the NHRC 2022 State of Human Rights Report relevant to the promotion and protection of environmental rights;
 6. Expedite the enactment of the National Environment Management Bill 2022 and the Waste Bill 2022; and
 7. Support the development and implementation of a National Action Plan on Business and Human Rights.
 8. Take measures to ensure communities benefit from the proceeds of mining and fish mealing activities; and
 9. Continue to take measures for the effective implementation of the Faraba-bantang Commission recommendations.

18. Economic Social and Cultural Rights (ESCR)

Some of the different pathways to protecting ESCRs include guaranteeing them in a Constitution or through ordinary legislation.⁷⁴ The post COVID-19 pandemic in The Gambia continues to be characterized by a rise in fuel prices, basic commodities, and

⁷⁴M Nyarko & S. Bah 'Charting a path for economic, social and cultural rights in The New Gambia' 95.

transportation costs. This has given rise to an unbearably high cost of living and allegations that the State is not doing enough to remedy the situation.⁷⁵ The poor state of socio-economic standards in The Gambia continues to influence youths to take the perilous journey to Europe through the ‘backway’ and risk losing their lives. In July 2022, it was reported that at least two Gambians died in a boat accident in Kafountine, Casamance, while on the ‘backway’ journey.⁷⁶ In its Statement to the African Commission on Human and Peoples’ Rights during the 73rd Ordinary Session held in Banjul between October and November 2022, the Commission urged the Government to take measures to remedy the constant rise in the cost of living, including strengthening and expanding social protection programmes to all vulnerable groups, particularly those living below the poverty line.

In July 2022, about 371 Public and Environmental Health Officers were suspended for two months without pay, following protests by officers of the Ministry of Health. The strike was over the allowance scheme of the Ministry. This suspension came after the Officers refused to comply with a directive from the Ministry to resume duties after a long period of unauthorized absence.⁷⁷ The suspension contravened the right to industrial action protected by the ILO Conventions.

Rights to food, adequate housing, an adequate standard of living, and the right to health were recurring themes in the

⁷⁵News for Gambia, 29 April 2022: [Rising Prices of Essential Commodities, Transport Fares Spare None - Gambia.com](#).

⁷⁶The Standard, Thursday, July 7, 2022: [Gambia News, Africa News - The Gambia | Standard News From The Gambia](#).

⁷⁷The Point, Wednesday 6th July 2022: [371 public & environmental health officers suspended without salary - The Point](#).

recommendations to The Gambia in the UPR.⁷⁸ These are protected under the international obligations of The Gambia as enshrined in instruments such as the ICESCR, the African Charter, the Maputo Protocol and are in line with SDGs 1, 2, 3, 8 and 11. In the 2021 State of Human Rights Report, the Commission recommended the inclusion of enforceable provisions on socio-economic rights in the 1997 Constitution. This recommendation is yet to be implemented and the Commission reiterates the need for justiciable protection of these rights in the Constitution.

Recommendations to the State:

1. Take positive steps to address the rising cost of living crisis and provide social safety nets for the vulnerable to reduce the impact of the crisis on them;
2. Enact constitutional provisions for enforceable rights to food, health, social security and a safe and habitable environment;
3. Approach the eradication of poverty as a human rights issue and make efforts to meet SDG 1.

19. Implementation of the Universal Periodic Review (UPR) Recommendations from the Third Cycle (November 2019)

The Working Group on the Universal Periodic Review examined, under the Third Cycle, The Gambia's Human Rights Report at

⁷⁸Thematic list of recommendations UPR of The Gambia, 3rd Cycle.

its Thirty-fourth session held in Geneva, Switzerland, from 4 – 5 November 2019. At the end of the interactive dialogue, the Working Group made 222 Recommendations to The Gambia, out of which 207 recommendations were accepted and 15 recommendations noted. The accepted recommendations included those on ratification of international human rights treaties; human rights promotion; submission of outstanding reports to treaty bodies; implementation of recommendations from the second UPR cycle; implementation of constitutional and democratic reforms; legal, institutional and policy reform; gender equality; right to social security; right to health; right to education; rights of children; prevention of gender-based violence and harmful traditional practices; prevention of torture; prevention of attack on journalists; food insecurity; participation of women in political life; and transitional justice.

While it is commendable that The Government of The Gambia has implemented some of the recommendations including the completion of the TRRC and subsequent release of the Government Whitepaper on the TRRC, passing of the Access to Information Act 2021, development of a climate friendly and green recovery focused National Development Plan 2023 -2027, there remain significant recommendations that have yet to be implemented. The implementation of the UPR recommendations has a direct positive impact on the promotion and protection of human rights in the country, as such the Commission draws the attention of the State to these recommendations and urges the State to make efforts to implement the UPR recommendations.

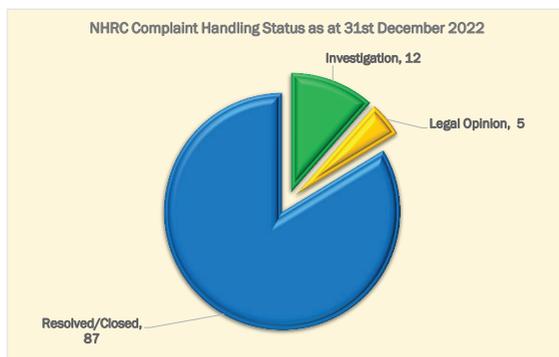
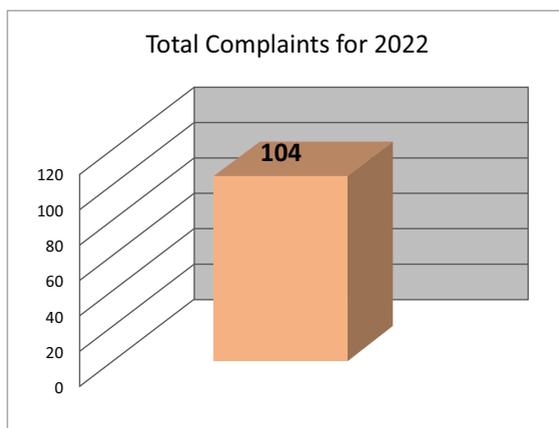
Some of the key recommendations made to the State include to:

1. Continue ongoing legislative reforms to adopt a new criminal code and code of criminal procedure, in line with international standards;
2. Make every effort to combat trafficking in persons through the enforcement of legislation and international treaties;
3. Take into consideration the good practices and experiences of countries in the region in the implementation of the National Social Protection Policy and new National Development Plan for the promotion and protection of human rights;
4. Improve the health-care system, particularly by improving infrastructure and providing more resources for maternal health, including midwife training, with a focus on health care for mothers and their children through pregnancy and childbirth;
5. Allocate sufficient budgetary resources to the education sector to guarantee access to education by children and youth, including in rural areas;
6. Promote women's representation in all decision-making positions, particularly in the legislative and executive branches;
7. Strengthen the measures to effectively address violence against women and girls and vigorously enforce and implement legislation against Female Genital Mutilation and child marriage;

8. Effectively implement and enforce the Persons with Disabilities Act 2021;
9. Ensure universal registration at birth and take due measures to facilitate the registration of children above 5 years of age, so as to avoid statelessness;
10. Consider issuing a standing invitation to all thematic special procedures of the Human Rights Council;
11. Expedite the enactment of the Torture Bill and all other draft human rights legislation;
12. Expedite the ratification of all pending human rights legal instruments;
13. Set up a National Mechanism for Reporting and Follow-up (NMRF) to ensure the submission of all pending reports to the various treaty bodies;
14. Prohibit corporal punishment of children in all settings;
15. Speed up the implementation of the transitional justice process, so as to advance national reconciliation;
16. Abolish the death penalty in the legal system;
17. Take further action to enforce the ban on female genital mutilation, educate communities on the law, and protect the rights of women and girls;
18. Continue its efforts in enhancing the socioeconomic well-being of its people, and ensure their full enjoyment of human rights;
19. Intensify efforts to address food insecurity and malnutrition, especially for children and pregnant women;
20. Strengthen efforts to combat youth unemployment through the provision of necessary resources for maintaining the Youth Empowerment Project;

21. Review national laws, including the personal law and the Women’s Act of 2010, with a view to removing all provisions that are discriminatory towards women; and
22. Designate a unit or staff in the ministry of justice to track the implementation of the UPR recommendations.

20. NHRC Case/Complaints Register 2022



BREAKDOWN OF VIOLATION TYPES FOR 2022

Sr:#	Violation Type	Amount
01	Protection of Right to Personal Liberty	9
02	Labour Rights	11
03	Right to Practice one's Religion	2
04	Right to protection against SGBV (Rape)	2
05	Protection from Discrimination	5
06	Right to Education	10
07	Rights of Women	8
08	Right to Marry	1
09	Protection from Deprivation of Property	12
10	Secure Protection of the Law and Fair Trial	4
11	Protection from Inhuman Treatment or Torture	11
12	Right to Health	13
13	Freedom of Expression	1
14	Rights of Children	6
15	Political Rights	1
16	Right to Privacy	1
17	Socio-economic Rights	11



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