NHRC COMPLEMENTARY REPORT ON THE COMBINED INITIAL, FIRST, SECOND, THIRD, FOURTH AND FIFTH PERIODIC REPORTS SUBMITTED BY THE GAMBIA UNDER ARTICLE 43 OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

PREPARED BY:

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ACRONYMS

ACERWC African Committee of Experts on the Rights and Welfare of the Child

ACRWC African Charter on the Rights and Welfare of the Child

CPA Child Protection Alliance

FGM Female Genital Mutilation

FLAG Female Lawyers Association

GANHRI Global Alliance of National Human Rights Institutions

MoGCSW Ministry of Gender Children and Social Welfare

MoJ Ministry of Justice

NAATIP National Agency Against Trafficking in Persons

NAC National Advisory Council for Persons with Disabilities

NGBV Network Against Gender-Based Violence

NHRC National Human Rights Commission

NMRIF National Mechanism for Implementation, Reporting and Follow-up

PWD Persons with Disabilities

SGBV Sexual and Gender-Based Violence

TRRC Truth, Reconciliation and Reparation Commission

ABOUT THE NATIONAL HUMAN RIGHTS COMMISSION (NHRC) AND THE PREPARATION OF THIS REPORT

The NHRC is a permanent, independent body established by the NHRC Act 2017. Its mandate includes promoting and protecting human rights in The Gambia, investigating human rights violations and providing redress to victims. In 2023, it was accredited as 'A' Status NHRI by the Global Alliance of National Human Rights Institutions (GANHRI).

This Report builds on the NHRC's Complementary Report on the Combined 4th to 7th Periodic Reports submitted by The Gambia under Article 44 of the United Nations Convention on the Rights of The Child (CRC) in July 2024, which was prepared in consultation with representatives from the Government and Civil Society Dialogue Forum.[1]

[1] ChildFund The Gambia and Gambia Federation of the Disabled

EXECUTIVE SUMMARY

1. This is NHRC's complimentary report on the State's combined outstanding Initial and Periodic Reports submitted under Article 43 of the ACRWC.[2] We appreciate the reviewing, amending or repealing of provisions in all the major legislation that are discriminatory against women and girls in line with the 1997 Constitution and The Gambia's international commitments.[3] Major legislations passed since the ratification of the ACRWC include the Children's Act 2005 and its 2016 amendment, Women's Act 2010 and the Women's (Amendment) Act 2016, Trafficking in Persons Act 2007, Persons with Disabilities Act 2021, Labour Act 2023, Prevention and Prohibition of Torture Act 2023, and Criminal Offences Act 2025. However, the Children's Act 2005 and the Trafficking in Persons Act 2007 have not undergone any major review since their enactment.

2. The State ratified the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict in 2010 and 2019 respectively. However, they are not well popularised, and no State Report has been submitted on them. The CRC Optional Protocol on a communications procedure and AU Charter on Ending Violence Against Women and Girls are yet to be ratified.

3. Under Pillar 5 of The Recovery Focused National Development Plan (RF-NDP) 2023-2027, the Government indicates its strong commitment to address the inadequate empowerment, social exclusion, discrimination and stigmatization women, children, and persons with disabilities face.

4. The Government has developed the National Policy for the Elimination of Female Genital Mutilation (FGM) in The Gambia 2022-2026. Other National Policies include: National Youth Policy 2019-2028, National Gender Policy 2025-2034, National Child and Vulnerable Groups Online Protection Policy 2024 and National Action Plan on Youth, Peace and Security 2025-2030. However, most of these Policies are not well popularised.

5. The Ministry of Gender, Children and Social Welfare (MoGCSW) has developed the Minimum Standards of Quality Care for Child-Care Centers and Private Residential Care Homes for Children in The Gambia. However, this document is not well known by stakeholders, and its implementation is not monitored.

6. There is no National Mechanism for Implementation, Reporting and Follow-up (NMIRF)F, adversely affecting the timely reporting to treaty bodies and implementation of Concluding Observations. However, the NHRC, in 2025, developed an Advisory Note to encourage the Government to establish a NMRIF. The NHRC, in partnership with the MoGCSW and with support from UNICEF, established in December 2025 a Child Rights Monitoring Unit

[2] Ratified by The Gambia in December 2000 (deposited in March 2001)

[3] Sexual Offences (Amendment) Act, 2021; Domestic Violence (Amendment) Act 2021; Births, Deaths and Marriages Registration (Amendment) Act 2021 and Women's (Amendment) Act 2021

to coordinate and strengthen evidence generation, and monitoring of the implementation of children's rights and Concluding Observations.

7. The MoGCSW has developed a new National Child Protection Strategy and Plan of Action 2025-2030 and a National Children Policy 2025-2030. However, there is no Child Participation Policy or National Plan of Action on Violence Against Children (VAC).

8. Monitoring progress on the implementation of Sustainable Development Goal (SDG) 16 is challenging due to inadequate available data on it.[4] While the Government has submitted its Voluntary National Review (VNR) progress reports in 2020, 2022 and 2025, child rights-based approach is inadequately integrated in the implementation of SDG 2030. Though the 2025 VNR Report indicated that consultations were held with stakeholders across the country, it did not show if children, especially children with disabilities and children out-of-school, were consulted.

9. While progress has been made, implementation remains slow, with persistent gaps in coordination, data availability, and resource allocation. Emerging concerns, such as online exploitation and climate-induced risks, continue to heighten risks for children and strain an already under-resourced child protection system.

10. To accelerate progress, a stronger, well-resourced, and coordinated national approach is needed, supported by sustained political commitment and meaningful child participation. Strengthening enforcement mechanisms, improving accountability, and ensuring that all programmes are child-centred and evidence-based will be essential for advancing the full realisation of children's rights under the ACRWC.

We recommend that the State:

1. Intensifies awareness raising at all levels on the ACRWC.
2. Expedites the establishment of an NMRIF.
3. Provides adequate resources to the MoGCSW for the effective implementation and monitoring of all its policy documents.
4. Conducts a comprehensive review of the Children's Act 2005 and the Trafficking in Persons Act 2007 and submits them to the National Assembly for enactment.
5. Develops and implements a Child Participation Policy and National Plan of Action on VAC.
6. Supports child-led groups to develop and submit child-friendly VNR Reports.
7. Ensures the effective functioning of the Tourism Offences Tribunal.
8. Ratifies and widely popularises the AU Charter on Ending Violence Against Women and Girls and the CRC Optional Protocol on a communications procedure.

[4] The Recovery Focused National Development Plan (RF-NDP) 2023-2027

1. GENERAL MEASURES OF IMPLEMENTATION

Legislation

The primary legislation for the protection of children is the Children's Act 2005. Other legislation that also protect specific rights of children include the Tourism offences Act 2003, Trafficking in Persons Act 2007, Women's Act 2010, Persons with Disabilities Act 2021, Labour Act 2023 and Prevention and Prohibition of Torture Act 2023. The Children's (Amendment) Act 2016 and the Women's (Amendment) Act 2015 prohibit child marriage and female circumcision respectively. However, these Acts were not subjected to any child-right impact assessment and are inadequately enforced. There has not been any conviction for the offence of child marriage since 2016 while the only successful prosecution for the offence of female circumcision was in 2023.[5] The Persons with Disabilities Act 2021 is ineffectively implemented. While the National Advisory Council for Persons with Disabilities (NAC) is set up and has a Secretariat, it does not have the resources to effectively carry out its functions.

We recommend that the State:

1. Conducts a comprehensive review of the Children's Act 2005 to cover all areas of the Charter, including limitations on the impact of Sharia (personal law) on issues such as child marriage and inheritance.
2. Ensures all new legislation affecting children undergo a child rights impact assessment and enhance capacity of key stakeholders on such a framework.

National Mechanisms for the effective Implementation of Legislation, Policies and Action Plans

In 2019, the Government established the first-ever MoGCSW with a Directorate of Children's Affairs. This Ministry coordinates the implementation of the Children's Act 2005, Women's Act 2010 and the Persons with Disabilities Act 2021. The National Agency Against Trafficking in Persons (NAATIP) and the Ministry of Tourism are responsible for the implementation of the Trafficking in Persons Act 2007 and the Tourism Offences Act 2003 respectively, while the Commissioner of Labour enforces the Labour Act 2023.

The MoGCSW has established the National Child Protection Committee (NCPC), Child Justice Committee (CJC), Regional Social Welfare Offices, and Community Child Protection Committees (CCPCs) to support its child protection work at national, regional and community levels. There also exists Police Child Welfare Units (PCWU) that are responsible for issues of children in contact or conflict with the law. Other security institutions such as the Drug Law Enforcement Agency, Gambia Immigration Department and the Gambia Armed Forces have also established child rights and protection Units.

The MoGCSW is confronted with financial and human resources constraints which severely inhibit its coordination role at all levels. Furthermore, the fragmentation of children's issues across

[5] https://standard.gm/3-women-sentenced-for-fgm-in-crr/

various Ministries and Agencies has made the coordination of the enforcement of child-focused legislation, policies and action plans challenging. The structures such as the NCPC, CJC and CCPCs are neither effective nor statutorily recognized. Not all Police Stations have Police Child Welfare Officers – some of these Officers are not well trained on handling children in contact or conflict with the law. The Regional Social Welfare Offices are inadequately staffed.

We recommend that the State:

1. Provides adequate budgetary allocation to the MoGCSW for sustainable service delivery across the country and effective functioning of the child protection mechanism.
2. Brings all child protection interventions under the purview of MoGCSW for effective coordination and impact.
3. Ensures all Police Stations have well-functioning and resourced PCWU.

Independent Child Rights Specific Ombudsperson

There is no Children's Ombudsperson. However, the NHRC receives complaints and investigates child rights violations and child abuse cases. NHRC also has an anonymous complaints mechanism which is popularised amongst children, and a designated Focal Point who monitors decisions from AU mechanisms.

We recommend that the State:

1. Provides adequate budgetary allocation to the NHRC to popularize its anonymous complaint mechanism amongst children.
2. Encourages the MoGCSW to develop and popularise child abuse reporting procedures for children.

National Monitoring and Evaluation Systems

In December 2025, the NHRC, in partnership with the MoGCSW, established a Child Rights Monitoring Unit (CRMU) to strengthen child rights monitoring, evidence generation and data analysis across all domains of rights in the CRC and ACRWC.[6] The University of The Gambia has also established a Child Rights Centre to serve as a national hub for child rights research.[7] In March 2023, the MoGCSW, with funding support from the UN, also inaugurated a Gender Management Information System (GMIS) Centre to aid online reporting and recording of Gender Based Violence (GBV) cases through an anonymous website.

We recommend that the State:

1. Provides adequate financial resources for the effective functioning of the CRMU and Child Rights Centre.
2. Popularises the GMIS centre and its anonymous website, as well as the 199 helpline.

[6] https://www.facebook.com/NHRCGambia/posts/official-launch-of-the-child-rights-monitoring-unitthe-national-human-rights-com/1324870633012504/

[7] https://thepoint.gm/africa/gambia/headlines/utg-unicef-launch-africas-second-child-rights-centre-in-gambia

Public Awareness-raising, Dissemination and Training

We commend the MoGCSW and Ministry of Justice (MoJ) for their tremendous efforts in raising awareness of children's rights in the country, including on the radio and television. NHRC and CSOs have also conducted similar workshops across the country for diverse stakeholders. However, unlike the CRC, there is no systematic dissemination of the ACRWC. Equally, religious leaders, hard-to-reach communities, children in Madrassas and Quranic Memorisation Schools, and children out-of-school are seldom included in these awareness-raising programmes. Accusations of children's rights being Eurocentric and against Islam and Gambian culture persist.[8] The recent pushback on the protection of girls from FGM/C is a case in point.[9]

We also commend efforts to enhance the capacity of stakeholders, including Panel members of the Children's Courts, law enforcement, teachers, social workers and health personnels on children's rights. However, these trainings are not systematic and are mostly dependent on the availability of funding from partners such as UNICEF. Neither the ACRWC nor the Children's Act 2005 is integrated into the curriculum or pre-service training of many State institutions, including Gambia College School of Education and the Training Schools of law enforcement agencies.

We recommend that the State:

1. Provides adequate financial and other support to the relevant Ministries and Agencies to embark on more systematic, sustained and widespread awareness-raising campaigns and training programmes on the Charter.
2. Implements specific awareness-raising programmes and campaigns targeting religious leaders and schools, children in Madrassas, Quranic Memorisation Schools and out-of-school, and hard-to-reach communities.
3. Ensures children's rights are integrated in the initial curriculum or pre-service training of all professionals working with children.

Allocation of resources

Budgets for the realisation of children's rights are allocated across many Government Ministries and Agencies. However, there is neither a child rights approach in the development of the national budget nor is a budget tracking system in place for the utilisation of the allocations for the realisation of children's rights. There are also no mechanisms at either the national or regional levels to facilitate the effective participation of children in the budgeting processes.

We recommend that the State:

1. Puts in place a tracking system for public expenditure on children by the relevant Ministries
2. Train policy and decision-makers on participatory budgeting.
3. Puts in place mechanisms at both national and Local Government levels for the active participation of children in the budgeting processes.

[8] https://freedomnewspaper.gm/gambia-a-call-for-action-from-the-childrens-national-assembly/

[9] https://africanfeminism.com/women-and-girls-rights-under-threat-as-the-gambia-debates-decriminalizing-female-genital-mutilation/

2. DEFINITION OF THE CHILD (ARTICLE 2)

All the major legislation define a child as any person under the age of 18 years.[10] The age of marriage[11], sexual consent, and conscription into the army or other security agencies is 18 years.[12] The involvement of children in military operations or hostilities is also prohibited.[13] However, the minimum age of criminal responsibility is 12 years, though the CRC Committee has recommended that this age be raised to 14 years.[14] The minimum age for apprenticeship with a craftsperson or engaging in light work are 12 years and 16 years respectively.[15] The 1997 Constitution also only protects children under 16 years from economic exploitation.[16]

We recommend that the State:

1. Raises the minimum legal age of criminal responsibility to 14 years.
2. Increases the minimum age for apprenticeship and engaging in light work to 18 years and enforce the right to education for every child.
3. Amends Section 29(2) of the 1997 Constitution to protect all children against economic exploitation.

3. GENERAL PRINCIPLES (ARTICLES 3, 4, 5 and 7)

(a) Non-discrimination (Article 3)

While the Government has amended discriminatory provisions in key relevant legislation to bring them in line with the country's international commitments to gender equality and equity, some discriminatory practices persist. Children born out of wedlock cannot inherit from the estates of their Muslim fathers as such inheritance is governed by the personal law (Sharia).

The Government has enacted the Persons with Disabilities (PWD) Act 2021 and established the NAC to support the implementation and monitoring of the Act. However, the Act is not effectively implemented. Children with disabilities, including children with albinism, continue to face stigmatization and discrimination, and have limited access to education, health services, public buildings and transportation, and information. Mainstreaming of children with disabilities into public schools is limited mainly to children with mild disabilities. In some communities, children face caste discrimination from their peers.[17] There has not been a national disability study since 1998.

We recommend that the State:

[10] Children's Act 2005, Tourism Offences Act 2003, Trafficking in Persons Act 2007, Labour Act 2007

[11] Section 24 of the Children's (Amendment) Act 2016

[12] Section 59(1) of the Children's Act 2005

[13] Section 59(2) of the Children's Act 2005

[14] Section 209 of the Children's Act 2005

[15] Sections 51 and 43(1) of the Children's Act 2005

[16] Section 29(2) of the 1997 Constitution of The Gambia

[17] study on caste and descent - Search Results - NHRC (gm-nhrc.org)

1. Effectively implements the PWD Act 2021 and intensifies its popularisation in the communities and schools.
2. Intensifies efforts to protect all children with disabilities from discrimination and stigmatization.
3. Provides adequate budgetary allocation for the effective functioning of the Secretariat of the NAC.
4. Urgently conducts a national study on PWDs.

(b) Best interests of the child (art. 4)

The Children's Act 2005 requires the best interest of the child to be the guiding principle when determining any issue concerning a child, including judicial procedures involving children. However, there is no national Best Interest Determination guidelines in place for use in legislative and administrative proceedings and decisions. Thus, the District Tribunals and Cadi Courts, also with jurisdictions to hear and determine cases of child custody, maintenance and inheritance do not have or follow any best interest guidelines.

We recommend that the State:

1. Develops Best Interest Determination guidelines to guide the implementation of the 'Best Interest of the Child' principle in all aspects of the Charter.
2. Conducts training for judicial officers, law enforcement, and policy and decision-makers on the 'Best Interests of the Child' principles and the guidelines when developed.

(c) Child Participation (Art.7)

There exists the Children National Assembly of the Gambia (CNAG) and other child-led groups and clubs in schools and communities, established by either the Government or CSOs, to promote child participation in local and national development discourses. However, participation of children with disabilities is often tokenistic. It is also difficult to know the extent of children's participation in local governance and decision-making at the community and family levels, and in the transitional justice processes. There is no national Child Participation Policy or Strategy to enhance child participation in national development.

We recommend that the State:

1. Raises awareness on the importance of child participation in national discourses and at family, school and community levels.
2. Creates a budget line under the budget of the MoGCSW for the active functioning of the CNAG.
3. Develops a National Child Participation Policy and Strategy to enhance meaningful child participation in national initiatives and discourses.

4. SPECIAL CLUSTER OF RIGHTS

(a) Political Rights and Freedoms

Name, Nationality, Identity and Registration at Birth (Article 6)

The 1997 Constitution guarantees the child's right to a name, identity and nationality. The Government, in 2020, amended the Births, Deaths and Marriages Registration Act 1990 to ensure the registration of the birth of a child born out of wedlock at the request of the mother and with her particulars only. It has also put in place an electronic Civil Registration and Vital Statistics (eCRVS) system and a Standard Operational Procedure (SOP) to ensure universal registration of births, deaths and marriages. With funding from UNICEF, the Civil Registration and Vital Statistics Directorate and NGOs such as CPA have engaged in birth registration campaigns in the country.

Despite the efforts at universal birth registration, children are not automatically registered upon birth at a health centre. Birth registration for children under 5 years is at 57.9 per cent.[18] Furthermore, no legislative, administrative or other measures have been taken regarding the ratified 1954 Convention on Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Gambia also has regional obligations under the ECOWAS Abidjan Declaration and Action Plan to prevent and reduce statelessness, but these have not been translated into national reforms. The Gambia has not yet ratified the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa and therefore has not incorporated its standards into domestic law or policy.

Children born to non-Gambian parents cannot automatically acquire citizenship unless one of the parents naturalizes.[19] This is particularly prominent in the case of children born to parents of Ghanaian descent, most of them also born in The Gambia, who are denied birth certificates and access to social services.[20] However, the Government has indicated it has started executive steps to regularize their statuses.[21]

We recommend that the State:

1. Mainstreams birth registration into the health care system to accelerate universal birth registration.
2. Conducts regular nationwide birth registration campaigns.
3. Takes measures to domesticate the 1954 Convention on Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
4. Implements regional commitments under the ECOWAS Abidjan Declaration and Action Plan on the Eradication of Statelessness.

[18] MICS 2018

[19] Section 9 of the 1997 Constitution

[20] https://gambiana.com/ghana-town-residents-decry-discrimination-and-social-exclusion/

[21] https://thepoint.gm/africa/gambia/headlines/govt-begins-executive-push-to-regularise-ghana-town-status-interior-minister

5. Ratifies the Protocol to the ACHPR on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa and harmonise domestic laws and policies with its standards.
6. Amends the Constitution so that children born to non-Gambian parents can acquire citizenship.
7. Expedites the Executive steps to provide citizenship to all the children and other eligible residents of Ghana Town.

Freedom of Expression (Article 7), Association (Article 8), and Thought and Religion (Article 9)

The 1997 Constitution and the Children's Act 2005 guarantee children's right to express their views on matters affecting them, to associate and form associations, and to practice their religious beliefs. The PWD Act 2021 guarantees the right of children with disabilities access to disability-friendly information, including sign language interpretation, brailing and synthesizing (audio) of public information and sign language inset or subtitles in major newscast programmes.[22] However, access to public information for children with disabilities, including newscast programmes. remains very limited.

While children have the right to assembly, a Press Statement from the MoBSE, issued in August 2025, strongly warned students from participating in public assemblies while in school uniform.[23] Furthermore, there are no measures in place for the effective monitoring of information accessible to children, including on the Internet or social media.

We recommend that the State:

1. Encourages the establishment and effective functioning of child-led structures in communities and schools to promote children's right to association.
2. Puts in place measures to effectively monitor information accessible to children in the media, including online and social media.
3. Ensures public information, including newscast programmes, is accessible to children with disabilities.

b. Abuse and Torture (Art. 16)

We commend the Government for enacting the Prevention and Prohibition of Torture Act 2023 which recognises the NHRC as one of the institutions to receive complaints of torture. However, this Act is not well known among children and caregivers. While child abuse is prohibited by the Children's Act 2005, physical abuse of children takes place in schools, communities, on the streets and care institutions.

[22] Section 46 of Persons with Disabilities Act 2021

[23] https://www.voicegambia.com/2025/08/01/mobse-raises-concern-over-students-participation-in-protest-march/

While some childcare residential facilities may have their own reporting or complaint mechanism in place, there is no State-developed and administered child-friendly and confidential complaint mechanism for residential care facilities.

We recommend that the State:

1. Popularises the Prevention and Prohibition of Torture Act 2023 amongst children and caregivers.
2. Puts in place an effective and regularly monitored child-friendly and confidential complaint mechanism for residential care facilities, and foster care system.

c) Family and Alternative Care (Articles 24 and 25)

The MoGCSW has in place an Adoption and Foster Care Register for formal adoption and foster care. However, as indicated in the State's Report, informal adoption within the extended family is not monitored for potential abuses of the children. The State has not also ratified the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.

Institutionalisation of children deprived of family environment still takes place at the main SOS Children's Villages -The Gambia and the State's run Shelter for Children. However, SOS Children's Villages also implements family strengthening programmes and alternative care to support vulnerable families and children.

The MoGCSW has developed the Minimum Standards for Quality Care for Child Care Centres and Private Residential Care Homes for Children in The Gambia. However, these Minimum Standards are not widely popularised amongst its primary users or regularly monitored. Despite the recommendations in the 2025 CRC Concluding Observations, the State has not established independent complaints and monitoring mechanisms for alternative care centres.

We recommend that the State:

1. Expedites the development of a register and monitoring framework to monitor the situation of children in informal adoption.
2. Regularly monitors the situation of children in formal adoption, especially intercountry adoption.
3. Ratifies the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.
4. Popularises and regularly monitor the Minimum Standards for Quality Care for Child Care Centres and Private Residential Care Homes for Children in The Gambia.
5. Strengthens the alternative care system in the country.

d) Health and Welfare (Art. 14)

Health and health services

The Government has made great strides to reduce infant and child mortality, ensure equitable access to health care, promote exclusive breastfeeding and reduce malnutrition, stunting and wasting. It also developed the National Health Policy 2022-2030, enacted the National Health Insurance Act 2019 and established the National Health Insurance Authority (NHIA). However, the existence of NHIA is also not widely known.

The child's right to the best attainable standard of health was severely threatened in The Gambia with the outbreak of Acute Kidney Injury (AKI) in August 2022 which eventually claimed the lives of about 70 children.[24] Consequently, a Presidential Task Force was set up to investigate the deaths of the children. In its report which was submitted to the President in July 2023, the Task Force made recommendations such as prosecution, revocation of the license of the pharmaceutical company involved, and reviewing the laws and regulations governing the issuance of pharmaceutical import licenses.[25]

We recommend that the State:

1. Provides adequate financial resources to NHIA for the effective implementation of the National Health Insurance Act 2019.
2. Effectively implements the National Health Policy 2022-2030.
3. Effectively implements all the recommendations of the Presidential Task Force on the AKI outbreak.

Adolescent Health and HIV/AIDS

We commend the Government for its efforts in promoting Comprehensive Health Education through the "Strengthening Access to Quality Comprehensive Health Education for in-and-out of School Adolescents in The Gambia" and combating HIV/AIDS.

While Section 118 of the Criminal Offences Act 2025 prohibits abortion, a registered medical practitioner can terminate a pregnancy on the grounds of rape or incest.[26] Medicalized abortion is also permitted under Section 30(1) of the Women's Act 2010 when the continued pregnancy endangers the life of the mother or the foetus.

We recommend that the State:

1. Puts in place measures for youth to have access to youth-friendly reproductive health services, especially through the building of youth-friendly reproductive health service facilities.
2. Popularises Section 120(2) of the Criminal Offences Act 2025.

[24] NHRC 2023 State of Human Rights Report, Page 39

[25] NHRC 2023 State of Human Rights Report, Page 39

[26] Section 120(2) of Criminal Offences Act 2025

3. Provides adequate resources for adolescent health and HIV/AIDS prevention programme.

e) Education, Leisure, and Cultural Activities (Arts. 11 and 12)

Education, including vocational training and guidance

The child's right to free and compulsory basic education is guaranteed by both the 1997 Constitution and the Children's Act 2005. Parents and guardians are also obliged to ensure their children and wards attend and complete basic education.[27] The Women's Act 2010 prohibits the expulsion of girls from school on the grounds of pregnancy and their withdrawal for the purposes of marriage.[28] The NDP 2023-2027 also promises "Equitable Access to Quality and Relevant Education for all". However, concerns remain about the quality of education.[29] It is also estimated that in 2023 more than 46,000 children were out of school. The primary school completion rate is 88 per cent, Upper Basic School 65 per cent and Senior Secondary School 47 per cent.[30]

The introduction of the School Improvement Grant to public schools has lessened the financial burden on parents. However, hidden educational costs remain, with parents paying for items such as stationery and textbooks.

Access to inclusive education and early childhood education remains a huge challenge for children with disabilities, including children with albinism. The four schools that provide education for children with disabilities are in the urban area and face severe financial resource challenges.

We recommend that the State:

1. Finds out the factors that inhibit quality education and urgently address them.
2. Puts in place measures to ensure children with disabilities have access to inclusive and early childhood education.
3. Allocates, as stipulated in the PWD Act 2021, not less than 10% of all educational expenditure to the educational needs of PWDs.[31]

Rest, leisure, recreation, and cultural and artistic activities

Children's rights to rest, leisure and recreation and to practice their culture are guaranteed. However, there is no national policy or strategy in place to promote these rights in schools and daycare centres. Such a policy does not also exist at local level although Local Government Authorities have the responsibility to establish recreational facilities for children. The Education Policy 2016-2030 puts more emphasis on the development of 'sports education' and the provision of appropriate sporting infrastructure in every school.

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[27] Section 18(2) of the Children's Act 2005

[28] Sections 27 and 28 of Women's Act 2010

[29] https://thepoint.gm/africa/gambia/headlines/education-ps-we-want-to-restore-quality-education-in-gambia

[30] https://www.unicef.org/gambia/press-releases/it-has-become-more-urgent-scale-school-enrolment-and-quality-education-gambia accessed on 18 June, 2024

[31] Section 33 (6) of The Persons with Disabilities Act 2021

We recommend that the State:

1. Develops a national policy to promote children's right to leisure, play and recreation.
2. Encourages Local Government Authorities to establish recreational facilities for their children.

f) Special Protection Measures

a. Prevention and Protection of Children from Violence in all Settings

Legislation exist that protect children from violence such as FGM, child marriage, torture in workplaces and places of detention, and sexual violence. However, children are not expressly protected from violence in all settings.

Corporal punishment is not expressly prohibited in homes, care institutions and workplaces. Only the Children's Court is prohibited from making an order subjecting a child to corporal punishment.[32] Parents are only required to "ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child".[33] A person who has custody of a child is only supposed to protect him or her from discrimination, violence, abuse and neglect.[34] In the school setting, the Education Act only restricts the procedures and administration of the corporal punishment[35]. There are no specific State programmes to promote positive discipline amongst communities and child protection actors.

We recommend that the State:

1. Effectively enforces all legislation that prohibits violence against children.
2. Amends the Children's Act 2005 to expressly prohibit corporal punishment in all settings.
3. Develops and effectively implements a national strategy to promote positive discipline and build the capacity of relevant actors on it.
4. Incorporates positive discipline in the curriculum of Gambia College Teacher Training School.

b. Existence and Functionality of Multifaceted and Systematic Framework to Respond to Violence Against Children (VAC)

There is no multifaceted and systematic framework to respond to VAC. However, MoGCSW has developed the National Child Protection Strategy 2025-2030 to guide its child protection interventions. At the 1st Global Ministerial Conference on Ending VAC, the Government pledged to take actions to end VAC, including corporal punishment.[36]

[32] Sec. 220(9) of the Children's Act 2005
[33] Sec. 22 of the Children's Act 2005
[34] Sec. 21 of the Children's Act 2003
[35] Sec. 15 of the Education Regulations of Education Act Cap. 46 Law of The Gambia
[36] Held in Bogota, Columbia from 7-8 November 2024

We recommend that the State:

1. Develops and effectively implement a multifaceted framework on VAC, using the ACERWC's Guidelines on Ending VAC in Africa.
2. Effectively implements the pledged actions made at the 1st Global Ministerial Conference on Ending VAC.

c. Safe, well-publicised, confidential and accessible mechanisms for children and care givers to report VAC

There is no single national mechanism for the reporting of VAC. However, children, caregivers and members of the public report VAC to the Police Child Welfare Unit, MoGCSW, the NHRC or CSOs such as CPA, NGBV, FLAG. The reporting guidelines are not uniform or well known to children and caregivers. Most schools also do not have laid down reporting procedures in place. Due to fear of stigmatisation, reprisal, distrust, and ignorance about the existing mechanisms, children rarely report violence against them.

We recommend that the State:

1. Develops and popularises uniform, child-friendly, accessible and confidential guidelines for the reporting of VAC and ensure adherence by all child protection institutions.

d. Unwillingness and inability to bring perpetrators of VAC to justice

The State is always willing to bring perpetrators of VAC to justice. The MoJ often proceeds with a VAC case even if parents want it withdrawn. However, sometimes prosecution of alleged offenders is delayed due to factors such as unwillingness of witnesses to testify, inadequacy of evidence and victim's fear of reprisal. Children's Courts do not also exist in all the Regions. Prosecution of violence against children who are hard of hearing is also challenging as the Children's Courts and Police Stations do not have sign language interpreters.

We recommend that the State:

1. Establishes Children's Courts in all the Regions of the country.
2. Intensifies public education on VAC.
3. Intensifies training for Police officers on handling of VAC cases.
4. Employ sign language interpreters in all the Children's Courts.

e. Disaggregated Statistics

(i) Children in situations of emergency; Refugee, Returnee and Displaced Children

The 2025 Socio-economic and Livelihood Assessment of Refugees Living in The Gambia by the Gambia Food and Nutrition Association shows there are 4,099 refugees and 504 asylum seekers in The Gambia. Although this figure includes children, the assessment does not provide disaggregated data on the number of child refugees and asylum seekers. Majority of the refugees and asylum seekers are from

the Casamance in Senegal while the rest are from Togo, Cameroon, DR Congo, Sudan, Afghanistan, and other [37]

We recommend that the State:

1. Conducts census to determine the population of child refugees and asylum seekers.

(i) Children in conflict with the law and Administration of Juvenile Justice

Juvenile justice is administered under Part XVII of the Children's Act 2005. However, there is no up-to-date and disaggregated data on children in conflict with the law.

We recommend that the State:

Puts in place up-to-date data, disaggregated by gender, age and nationality, on children in conflict with the law.

(ii) Children deprived of their liberty

As indicated in the State Report, there is no disaggregated data on the number of children deprived of their liberty or in any form of detention (Police station, pretrial detention, Juvenile Wing), imprisonment or placement in custodial setting; rate of recidivism; and length of sentences.

The Children's Act 2005 prohibits the imposition of the death penalty on a child.[38] The death penalty is also not a form of punishment prescribed in Criminal Offences Act 2025.[39] However, as per Section 18(1) of the 1997 Constitution, the Courts can still impose the death penalty for a criminal offence if the penalty is death under the laws of The Gambia.

We recommend that the State:

1. Has in place up-to-date disaggregated data on children deprived of their liberty.
2. Repeals Section 18(1) of the 1997 Constitution to fully prohibit the death penalty.

f) Children of imprisoned mothers

The Children's Act 2005 obliges the Court to consider non-institutional sentence for an expectant or a nursing mother or her detention at an appropriate and designated centre or place if imprisonment is mandatory or desirable.[40] The Act further stipulates that a mother and child should not be detained at the designated centre for a period longer than the time the child would have attained 6 years.[41] Additionally, when a mother who has completed her nursing period is further

[37] https://thepoint.gm/africa/gambia/headlines/gambia-hosts-4603-refugees-asylum-seekers-as-gafna-present-new-findings

[38] Section 218(1)(b) of Children's Act 2005

[39] Section 32 of Criminal Offences Act 2025

[40] Sections 218 (2) and (3) of Children's Act 2005

[41] Section 218(4) of Children's Act 2005

sentenced to imprisonment, the child should be treated as a child in need of care and protection and could be put under the custody of the father, fit and proper person, or an appropriate authority.[42]

However, there is no publicly designated detention centre for imprisoned pregnant or nursing mothers although the Bakoteh Shelter for Children is used for this purpose. No similar facility exists in other parts of the country. There is no reformation, integration, and social rehabilitation programme for imprisoned expectant or nursing mothers.

There is no available data on the number of children of imprisoned mothers since the ratification of the Charter. During its monitoring visits to Police Stations, NHRC sometimes find pregnant or nursing mothers detained behind the police counters.[43]

We recommend that the State:

1. Implements the recommendations of the ACERWC General Comment No. 1 on Article 30 of the ACRWC "Children of incarcerated and imprisoned parents and caregivers"
2. Has designated and appropriate places of detention for expectant or nursing mothers in all the Regions.
3. Puts in place reformation, integration and social rehabilitation programmes for imprisoned expectant or nursing mothers.

g) Economic exploitation, including child labour and drug abuse

Both the Children's Act 2005 and the Labour Act 2023 criminalise certain forms of child labour, including engaging children in hazardous and exploitative work. It obliges employers to keep a register of children in their employment. However, these provisions are not effectively enforced. There is a Child Labour Policy 2023. However, no national research or study has been conducted on child labour in the country.

We recommend that the State:

1. Effectively enforces the provisions of the Children's Act 2005 and the Labour Act 2023 that prohibit child labour.
2. Conducts a national study on Child Labour in the country.
3. Popularises and implements the Child Labour Policy.

h) Sexual abuse and exploitation

The Children's Act 2005, Tourism Offences Act 2003 and the Trafficking in Persons Act 2007 prohibit the sexual abuse and exploitation of children. The Tourism Offences (Amendment) Act 2014 establishes a special tribunal for the expeditious prosecution of alleged child sex tourism offenders. However, there is no known successful conviction under this legislation. The Ministry

[42] Section 218(5) of Children's Act 2005

[43] NHRC 2025 Prisons Monitoring Visit Report

of Justice has SGBV Unit which works with officers from the Police and MoGCSW when there is a case to address. However, the existence of this Unit is not well known by children.

There is no current Study on sexual abuse and exploitation of children in travel and tourism and within the community, or on actual cases reported, investigated and prosecuted. While Section 67 of the Children's Act 2005 makes reporting of child abuse and exploitation mandatory on everyone, there remains serious underreporting of cases to the relevant authorities. The toll-free Helplines (1313 and 199) still require intensive popularization. There is also inadequate coordination amongst the various child protection institutions. The findings of an investigative report on the prosecution and conviction of a child sex offender highlighted staggering gaps. [44]

There is a National Child and Vulnerable Groups Online Protection Policy 2024 although it is not well popularised. There is also a Cyber Crimes Bill 2023 which prohibits cyberbullying, computer-related offences and child pornography. However, this Bill has yet to be enacted.

We recommend that the State:

1. Supports the effective functioning of the SGBV Unit.
2. Puts in place a confidential complaint mechanism for reporting child sexual exploitation in travel and tourism.
3. Popularises the National Child and Vulnerable Groups Online Protection Policy 2024.
4. Conducts a comprehensive study on online child abuse and exploitation.

i) Other forms of abuse and exploitation (child begging)

There is no data on the number of child beggars in the country. However, the Children's Act 2005 prohibits child begging, including them accompanying adult beggars.[45] Nonetheless, this provision is seldom enforced as child beggars, including 'Almudos', can be found in the Greater Banjul Area and big rural Towns across the country.

We recommend that the State:

1. Enforces the legal provisions against child begging.
2. Develops and implements national strategies to curb child begging.

j) Sale, trafficking and abduction

We commend the Government for its great efforts to combat trafficking in persons, including child trafficking. In 2025, the Government investigated 16 suspects, compared to 22 investigations in 2024, and prosecuted 2 alleged traffickers, compared to 6 in 2024.[46] 6 cases received in 2025 involved the sexual exploitation of children, while 2 cases received in 2024 also involved children,

[44] Corruption, Coercion and Cover-up: How Roy escapes justice for alleged sex abuse of Teneng and Jongfolo – Malagen

[45] Section 71(1) (g) and (h) of the Children's Act 2005

[46] US Department of State Trafficking in Persons Report 2025

although the type of exploitation in the 2024 cases was not specified. There is no known case regarding the sale of children or prosecution for the offence.

While it is effectively implementing its mandate, NAATIP is confronted with limited human, technical and financial resources. The Trafficking in Persons Act 2007 has also not undergone any comprehensive review. There are no systematic recovery, rehabilitation and reintegration programmes for child victims of trafficking, and no national study has been conducted on child trafficking in the country.

We recommend that the State:

1. Conducts a national study on child trafficking.
2. Provides adequate budgetary allocation to NAATIP for its effective functioning.
3. Enacts a new Trafficking in Persons Act to address emerging trends in human and child trafficking.

k) Children victims of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child

The Women's (Amendment) Act 2015 prohibits FGM while the Children's (Amendment) Act 2016 prohibits child marriage and child betrothal. However, these laws remain inadequately implemented. No case of child marriage or betrothal has ever been prosecuted while only one case of FGM was successfully prosecuted.[47] There is a National Policy for the Elimination of Female Genital Mutilation in The Gambia 2022-2026 which is not widely known. There is no national strategy for the elimination of child marriage and betrothal.

Following the first-ever FGM conviction in August 2023, a private member's Bill was introduced in the Parliament to repeal the Women's (Amendment) Act 2015. However, the Bill was rejected.[48] Nonetheless, there is a suit before the Supreme Court that seeks to have the anti-FGM law declared as unconstitutional.

We recommend that the State:

1. Effectively enforces the laws against FGM and child marriage**.**
2. Implements the recommendations of the Joint General Comments of the ACHPR and ACERWC on Ending Child Marriage and FGM.

l) Children who need special protection

There is no official data on the number of street connected children in the country. There is no national policy or strategy to address the phenomenon. Refugee and asylum-seeking children

[47] https://standard.gm/3-women-sentenced-for-fgm-in-crr/

[48] Fôni NAM Introduces Bill To Repeal Anti-FGM Law – The Standard Newspaper | Gambia

face challenges, including limited access to health care, formal education, vocational training and social protection, and the girls face additional vulnerabilities.[49]

We recommend that the State:

1. Conducts a national study on the situation of street-connected children.
2. Develops and implement a national policy and strategy to prevent and protect street-connected children.
3. Strengthens national laws for the protection of refugee and asylum-seeking children, including accessing legal, educational and social services.

m) Any Emerging or unforeseen problem

Some of the emerging child protection concerns are the impacts of businesses and climate change on the rights of children. There are no policy or legal frameworks to safeguard the rights of children in these concerns.

We recommend that the State:

1. Popularises the UN Child Rights and Business Principles.
2. Puts legal and policy frameworks in place to protect children against the effects of climate change.
3. Puts in place measures to protect the child's right to a clean, healthy and sustainable environment.

g) Responsibilities of Children

As indicated in the State's Report, the Children's Act 2005 stipulates the responsibilities of children.[50]These duties include supporting parents, respecting superiors and elders, serving the country, and preserving and strengthening social and national solidarity.[51] However, there are no national guidelines on how children are expected to fulfil these responsibilities.

We commend the MoBSE for developing and piloting, with the support of NHRC, a Civic Education curriculum that integrates the responsibilities of children.

We recommend that the State:

1. Supports the piloting of the Civic Education curriculum in all the Education Regions of the country.
2. Popularises the ACERWC General Comment No. 31 on "The Responsibilities of the Child".
3. Develops guidelines for the effective implementation of Section 23 of the Children's Act 2005.

[49] https://thepoint.gm/africa/gambia/headlines/gambia-hosts-4603-refugees-asylum-seekers-as-gafna-present-new-findings

[50] Section 23(1) of the Children's Act 2005

[51] Section 23 (2) of the Children's Act 2005

CONCLUSION

This Report gives a comprehensive overview of the implementation of the ACRCW and what the State should do to significantly improve the welfare of children. It is hoped that the Committee will give due consideration to our recommendations in its constructive dialogue with the State.