



**National Human Rights Commission**

# **STATE OF HUMAN RIGHTS REPORT**

2024



National Human Rights Commission



State of Human Rights Report

2024

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<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AKI</b>	Acute Kidney Injury
<b>ANEKED</b>	African Network against Extrajudicial Killings and Enforced Disappearances.
<b>AU</b>	African Union
<b>CAT</b>	Convention Against Torture
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CED</b>	Convention on Enforced Disappearance
<b>CRC</b>	Convention on the Rights of the Child
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>DLEAG</b>	Drug Law Enforcement Agency- Gambia
<b>GANHRI</b>	Global Alliance of National Human Rights Institutions
<b>GID</b>	Gambia Immigration Department
<b>GPF</b>	Gambia Police Force
<b>GPS</b>	Gambia Prisons Services
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICRMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
<b>ICTJ</b>	International Center for Transitional Justice
<b>IDEA</b>	International Institute for Democracy and Electoral Assistance

<b>IDLO</b>	International Development Law Organisation
<b>IEC</b>	Independent Electoral Commission
<b>MCA</b>	Medicines Control Agency
<b>NA</b>	National Assembly
<b>NAATIP</b>	National Agency Against Trafficking in Persons
<b>NALA</b>	National Agency for Legal Aid
<b>NANHRI</b>	Network of African National Human Rights Institutions
<b>NEA</b>	National Environment Agency
<b>NHRC</b>	National Human Rights Commission
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
<b>OPDs</b>	Organizations of Persons with Disabilities
<b>PIU</b>	Police Intervention Unit
<b>PWDs</b>	Persons with Disabilities
<b>TANGO</b>	The Association of Non-Governmental Organisations
<b>TTPD</b>	Tanka Tanka Psychiatric Department
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNFPA</b>	United Nations Population Fund
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UPR</b>	Universal Periodic Review
<b>WAVE</b>	Women's Association for Victims' Empowerment
<b>WB</b>	World Bank
<b>WHO</b>	World Health Organisation

## 2

## Acknowledgements

The National Human Rights Commission extends its profound gratitude to all partners for their invaluable contributions during the preparation of the State of Human Rights Report 2024.

The NHRC appreciates the Government of The Gambia for its consistent budgetary allocations and close collaboration of the various Ministries, Departments and Agencies in the implementation of its mandate during the reporting year.

We further acknowledge the invaluable support of our international and development partners, including International IDEA, the British High Commission Banjul, UNESCO, UNICEF, OHCHR, UNFPA, UNDP, IDLO, Action Aid International the Gambia, WHO, ICTJ, U.S. Embassy Banjul, the French Embassy in Dakar and the American Bar Association Rule of Law Initiative. Their technical and financial support significantly enhanced our capacity and expanded our reach, enabling us to address a broad spectrum of human rights issues.

The support we received from our partners and the collaboration we forged greatly contributed to the outcomes we achieved in 2024. Our collective achievements in human rights promotion, protection and advocacy and institutional strengthening are a testament to the power of synergy and shared commitment.

While the list is not exhaustive, the NHRC appreciates and acknowledges the collaboration and partnership of the following institutions during the reporting period:

- The Gambia Police Force
- The Gambia Prison Service
- The Gambia Armed Forces

- Drug Law Enforcement Agency- Gambia
- The Faculty of Law, University of The Gambia
- Gambia Immigration Department
- Attorney General's Chambers and Ministry of Justice
- WAVE
- ANEKED
- TANGO
- National Assembly Standing Committee on Human Rights and Constitutional Matters
- Global Alliance of National Human Rights Institutions (GANHRI)
- Institute for Human Rights and Development in Africa (IHRDA)
- Office of the National Security

We look forward to nurturing these partnerships and forging new alliances in the next reporting year.

### 3 Foreword

The promotion and protection of human rights remains the cornerstone of a just, equitable, and democratic society. The National Human Rights Commission consequently remains committed to ensuring that the fundamental rights and freedoms of all individuals are respected, protected, and fulfilled.

The Annual State of Human Rights Report of the National Human Rights Commission provides a comprehensive assessment of the human rights situation in The Gambia for the year 2024. It highlights significant developments in human rights, identifies challenges, and provides actionable recommendations to the State to advance human rights for all.

Throughout 2024, The Gambia has made notable progress in some areas of human rights, including post-TRRC. It has taken steps towards operationalizing the Reparations Commission and passing legislation for the prosecution of human rights violations that emanated from the TRRC findings and recommendations. The State also submitted its reports to the UN Committee on the Rights of the Child and the Human Rights Council Working Group on the Universal Periodic Review.

Despite these noteworthy gains, concerns about the respect and protection of human rights have been registered in the reporting year. These concerns include allegations of torture by security officers, the attempt to repeal the Women's (Amendment) Act 2015 which prohibits FGM, the smuggling of migrants, the shooting of a civilian by GAF military officers on the 24<sup>th</sup> August at a checkpoint near 2Ray's Restaurant along the Bertil Harding Highway and violations of socio-economic rights. This Report underscores these issues and calls for continued Government

commitment and collaboration among stakeholders to address them effectively.

The NHRC remains committed to its mandate to promote and protect human rights in the country and is engaging and collaborating with Government institutions and relevant stakeholders to ensure that The Gambia upholds its national, regional, and international human rights obligations. Our eyes are fixed on the realisation of our vision, ‘A Gambia where everyone enjoys their fundamental human rights and freedoms’.

We extend our gratitude to all individuals, organizations, and partners who have contributed to this Report and continue to support the promotion of human rights in The Gambia.



.....  
**Commissioner Emmanuel D. Joof**  
**Chairperson, NHRC**

The NHRC presents its yearly State of Human Rights Report in line with the NHRC Act, 2017. The Report highlights the state of human rights in The Gambia in 2024, 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 covers wide ranging thematic human rights issues that occurred in 2024. It notes recurrent reports of allegations of murder and armed robbery, and their impact on the right to life. Several complaints of torture against law enforcement were also received. The Report also acknowledges efforts by human rights activists and victims to have Ousman Sonko, former Interior Minister in ex-President Jammeh's Government, and Bai Lowe, a 'Junglar', prosecuted and convicted by Switzerland and Germany respectively for their roles in gross human rights violations and abuses in The Gambia.

The Report also highlights the detention of individuals arrested beyond the 72-hour constitutional limit, the shooting by GAF soldiers of a civilian at a military checkpoint, challenges in justice delivery and access to justice, the use of the Public Order Act to limit the right to assembly, and the rise in drug abuse amongst the youth and its concomitant effects on their mental state.

The Report provides an update on the resultant lawsuits arising out of the AKI incident that claimed the lives of about 70 children and the measures taken by the Government to address the issue and

prevent recurrence. Some of the issues surrounding the fisheries and mining sectors and how unregulated businesses may be violating human rights are also highlighted. Several cases of trafficking are cited and the findings from their investigations discussed.

Recognised and mentioned in the Report is the State's progress in legal reform, including the enactment of the Special Accountability Mechanism (TRRC) Act 2024 and the Special Prosecutor's Office Act 2024. Highlighted as well are the challenges encountered in the implementation of the Government White on the Report of the TRRC, incidences of bushfires and their devastating effect on the environment, budgeting and human rights, migrant smuggling, and trafficking in persons.

To strengthen the protective environment and ensure greater respect and enjoyment of human rights in the country, the Report proffered recommendations to relevant Ministries, Departments and Agencies, and other State institutions, for their consideration and implementation.

## 5 Country Profile of the Republic of The Gambia

Population	2.4 Million <sup>1</sup>
	51% Female 49% Male
Literacy rate	55.61%
	Adult Literacy-Female 47.63%
	Adult Literacy-Male 63.91%
	Youth Literacy-Female 75.55%
	Youth Literacy-Male 70.84%
Population Density	227 people per KM <sup>22</sup>
Population Growth	2.4% <sup>3</sup>
Fertility Rate	4.831 births per women <sup>4</sup>
Life Expectancy	63.83 <sup>5</sup>
Socio- Economic Indices	
GDP	2.34 million <sup>6</sup>
Inflation	10.2 <sup>7</sup>

<sup>1</sup> The Gambia 2024 Population and Housing Census Preliminary Report, The Gambia Bureau of Statistics August, 2024.

<sup>2</sup> As Above.

<sup>3</sup> As Above.

<sup>4</sup> <https://www.macrotrends.net/global-metrics/countries/GMB/gambia/fertility-rate>.

<sup>5</sup> <https://www.macrotrends.net/global-metrics/countries/GMB/gambia/life-expectancy>.

<sup>6</sup> <https://www.giepa.gm/invest-in-gambia/country-profile/>.

<sup>7</sup> <https://www.cbg.gm/current-inflation-rate>.

## 6 Security, Unlawful Killings, and the Right to Life

Since 2017, there has not been any reported case of enforced disappearances or extrajudicial killings by the State. However, there has been an increase in murder cases perpetrated by private individuals. In January 2024, a young lady was stabbed to death by an alleged armed robber at a Westfield Forex Bureau.<sup>8</sup> In April 2024, a body was discovered in Mansea Beach within the Senegambia area.<sup>9</sup> In July 2024, two stabbing incidents that led to the death of two individuals were registered. One of the stabbings happened on the school grounds of Banjulinding Upper and Senior Secondary School.<sup>10</sup> The second incident took place in Pallen Sanjal in the North Bank Region.<sup>11</sup>

On 21<sup>st</sup> July 2024, an unidentified dead body was found in a gutter in Foni Kampant, West Coast Region, with the hands tied. At the time of drafting this Report, there were no updates from the Police regarding any of the above cases.<sup>12</sup> In October 2024, The Gambia Police Force in a Press Release announced that they were

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<sup>8</sup> N Manneh 'Forex exchange bureau staff stabbed to death by an alleged armed robber' *The Point Newspaper* available at [https://foroyaa.net/forex-exchange-bureau-staff-stabbed-to-death-by-an-alleged-armed-robber/#google\\_vignette](https://foroyaa.net/forex-exchange-bureau-staff-stabbed-to-death-by-an-alleged-armed-robber/#google_vignette) accessed 25<sup>th</sup> March 2025.

<sup>9</sup> Police Investigate Suspected Murder of Sainey Jassey at Mansea Beach *The Gambia Journal* [https://gambiaj.com/police-investigate-suspected-murder-of-sainey-jersey-near-mansea-beach/#:~:text=Gambiaj.com%20%E2%80%93%20\(BANJUL\),Eco%2C%E2%80%9D%20hailing%20from%20Brufut](https://gambiaj.com/police-investigate-suspected-murder-of-sainey-jersey-near-mansea-beach/#:~:text=Gambiaj.com%20%E2%80%93%20(BANJUL),Eco%2C%E2%80%9D%20hailing%20from%20Brufut).

<sup>10</sup> <https://www.gambiaj.com/new-yundum-community-in-shock-as-police-hunt-suspect-in-murder-case/>.

<sup>11</sup> <https://www.gambiaj.com/new-yundum-community-in-shock-as-police-hunt-suspect-in-murder-case/>.

<sup>12</sup> <https://standard.gm/corpse-found-tied-in-gutter/>.

investigating the alleged murder of a British National in Old Yundum. At the time, two (2) suspects were arrested and another was at large.<sup>13</sup>

Considering the repeated reports of murder cases, the Commission reminds the Government that the right to life includes not only a prohibition of illegal killings by State authorities but also entails State obligation to adequately protect this right and punish its violation by non-state actors.<sup>14</sup> In situations of widespread killings, States can be held responsible for their failure to adequately address systemic causes, for instance, through efforts to protect vulnerable populations, improve education, address impunity, or correct perceived inadequacies in law enforcement and the justice system which can lead to vigilantism.

The NHRC received reports that on August 26, 2024, Mr. Stanislas Gomez, a passenger in a vehicle, was allegedly shot and injured by a military officer at a checkpoint near 2Ray's Restaurant on Bertil Harding Highway. In response, the NHRC launched a fact-finding mission and visited the Gambia Armed Forces (GAF) Joint Headquarters in Banjul to verify the details. However, GAF officers denied NHRC investigators access to interview the patrol team involved, stating that prior approval from the Chief of Defence Staff was required. A subsequent letter written to GAF requesting a thorough investigation into the circumstances of the shooting to determine responsibility and ensure accountability is yet to be

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<sup>13</sup> [Senegambia Police Investigates Alleged Murder of British National in Old Yundum - Gambia.](#)

<sup>14</sup> Report of the Special Rapporteur on extrajudicial executions to the Human Rights Council (A/HRC/14/24, 20 May 2010).

complied with. This raised concerns about a lack of cooperation by the GAF.<sup>15</sup>

Under human rights law, the State is not only prohibited from directly violating the right to life but is also required to protect the right to life and must meet its due diligence obligations to take appropriate measures to deter, prevent, investigate, prosecute and punish perpetrators.<sup>16</sup> The State is also obliged to examine the causes of crimes in the community and take appropriate remedial actions to address them.

### **Recommendations**

1. The Gambia Police force to ensure that all reported cases of unlawful killings are thoroughly investigated.
2. The Gambia Police force to ensure that all investigated capital offence cases are duly prosecuted or submitted to the Attorney General Chambers for prosecution.
3. The Ministry of Interior to equip the Gambia Police Force with appropriate and adequate forensic and personnel resources to effectively investigate unlawful killings to ensure accountability of perpetrators.
4. The Ministry of Interior to undertake study to examine the causes of crimes in the society and takes appropriate measures to address them.

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<sup>15</sup> The Gambia Journal 'Conflicting Accounts Emerge Over Gambia Armed Forces Checkpoint Incident in Bijilo- <https://gambiaj.com/conflicting-accounts-emerge-over-gambia-armed-forces-checkpoint-incident-in-bijilo/>' 27 August 2024.

<sup>16</sup> Report of the Special Rapporteur on extrajudicial executions to the Human Rights Council (A/HRC/14/24), 20 May 2010.

5. The Ministry of Interior to implement a robust crime database to track crime trends in the country to guide appropriate actions.
6. The Chief of Defence Staff to launch a prompt and comprehensive investigation into the circumstances of the shooting to determine responsibility and ensure accountability.
7. In line with the NHRC recommendations, GAF to conduct thorough investigation into the shooting of Mr. Gomez and share the Report with the NHRC.
8. The GAF to take immediate steps to ensure that Mr. Gomez receives the highest standard of medical care and support to aid in his recovery.
9. The GAF to take concrete steps to prevent similar incidents, including enhanced training for security personnel on the use of force, proper engagement with civilians, and adherence to human rights standards at security checkpoints.

## Protection against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

The enactment of the Prevention and Prohibition of Torture Act 2023 establishes the legal framework for the prohibition of torture and all other forms of inhuman and degrading treatment, including by law enforcement officers. It also names the National Human Rights Commission as one of the institutions to which people can report cases of torture. Furthermore, the mandate of the Commission includes monitoring, receiving, investigating and considering complaints of human rights violations in the Gambia, including violations by private persons and entities.

During the reporting year, the National Human Rights Commission received four complaints of alleged torture, cruel, inhuman or degrading treatment by security officials. Two of the complaints were against officers of the Gambia Police Force - alleged forceful arrest and assault by two Police Officers on 25<sup>th</sup> July 2024, and alleged assault and battery by a PIU Officer during a clash between the PIU and youths of Wellingara over a disputed land on 16<sup>th</sup> August 2024. The third complaint was an allegation of assault by an Immigration Officer which incident took place on 27<sup>th</sup> August 2024. The complainant alleged that he reported the incident at the Sanyang Police Station which, instead of investigating the matter, redirected him to lodge the complaint with the Immigration Department. Investigations by the Commission established that the civilian was assaulted by the Immigration Officer and recommended that the Police handle the complaint as a criminal matter. The case was subsequently referred to the Immigration Department and disciplinary action has been taken against the officer. The Government is reminded of General Assembly

Resolution 55/89 which obligates States to promptly and effectively document and investigate all complaints and reports of torture, other cruel, inhuman or degrading treatment or punishment, including in cases where an express complaint is not yet made but there are other indications that torture or ill treatment might have occurred.<sup>17</sup>

The NHRC commends the State for ratifying and domesticating the Convention Against Torture (CAT). However, the Commission urges the State to also ratify the Optional Protocol to the Convention Against Torture (OPCAT).<sup>18</sup> The OPCAT, adopted by the UN General Assembly in 2002, supplements the CAT and aims to prevent torture and ill treatment through regular visits to places of detention by the National Preventive Mechanism.<sup>19</sup>

The ratification of OPCAT will ensure that the State establishes the National Preventive Mechanism, an independent national body which will have the responsibility of conducting regular visits to places of detention and propose recommendations for improvement. Through such a body, the rights of all persons deprived of their liberties can be effectively monitored and protected.<sup>20</sup>

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<sup>17</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-effective-investigation-and-documentation-torture-and>.

<sup>18</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=en).

<sup>19</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>.

<sup>20</sup> As Above.

## **Recommendations**

1. The Ministry of Interior to work with the Ministry of Justice and the National Assembly to expedite the ratification and domestication of the OPCAT.
2. The Ministry of Justice to take necessary steps to coordinate the submission of the Initial report on the OPCAT.
3. The Ministry of Interior to take appropriate steps to promptly investigate allegations of torture and other cruel and inhuman or degrading treatment or punishment by State agents.
4. The Ministry of Interior, in collaboration with the Ministry of Justice, to develop training manuals on the Prevention and Prohibition of Torture Act, 2023 for law enforcement officers.
5. The Ministry of Interior to continue training of Law enforcement officers on the Prevention and Prohibition of Torture Act 2023.

The 1997 Constitution guarantees each person the right to liberty and security of person. Section 19 (3) stipulates that any person who is arrested or detained should be brought before a court within 72 hours or be released conditionally or unconditionally.

Despite the obligations placed on arresting officers, the NHRC in 2024 received 6 complaints relating to deprivation of liberty and detention of persons beyond the 72 hours constitutional limit. A case in point was the arrest in December 2024 of one Mbemba Drammeh, who is alleged to have made allegations about election rigging during the 2021 Presidential Elections during an interview on Kerr Fatou, an online TV platform. Mr. Drammeh alleged that during his detention, he was also denied access to his lawyers.

### Recommendations

1. The Gambia Police Force to strictly adhere to the 72 hours detention duration and access to the services of a lawyer.
2. The Gambia Police Force to take action against officers who are found guilty of breaching these requirements.

The Judiciary of The Gambia has made significant gains in improving access to justice in The Gambia. It has already introduced the Court Automated System in 6 courts and has developed a Case Management System which is tested and ready to be deployed.<sup>21</sup> This includes: e-filing, e-payment for filing processes, and e-assignment of cases. The Judiciary is also developing two special criminal courts at Mile 7 and at the former Judicial Training Institute, and a court on Sexual and Gender-Based Violence is being constructed under the leadership of the Ministry of Gender, Children and Social Welfare.<sup>22</sup>

However, in April and May 2024, the Afrobarometer conducted a survey to assess people's perception of access to justice in The Gambia. The findings indicated an erosion of trust in the courts. The survey found that fewer than half (44%) of citizens say they feel “somewhat confident” (28%) or “very confident” (16%) that ordinary people who are wronged can obtain justice in the courts. More than half (54%) express little or no such confidence.<sup>23</sup>

On the question of affordability of justice, 34% of the respondents were of the view that they could afford justice while about 72% of the respondents indicated they cannot, due to poverty, afford the services of a lawyer. Given the important role the justice system plays in The Gambia, it is crucial to maintain public confidence in

<sup>21</sup> Updates from the Judiciary.

<sup>22</sup> as above.

<sup>23</sup> Afrobarometer 'Access to justice in Gambia: Courts seen as untrustworthy, unfair, and ineffective' 3 March 2024.

the justice delivery mechanisms of The Gambia in line with the Judiciary of The Gambia's Strategic Plan 2021- 2025.<sup>24</sup>

Further, as indicated in previous State of Human Rights Reports and reported in Gambian newspapers, justice delivery continues to be affected by the slow disposition of cases in the Courts,<sup>25</sup> high cost of legal fees, and limited court infrastructure in rural areas. This has resulted in a backlog of cases owing to delays in prosecution, adjudication and conclusion of cases.

### **Recommendations**

1. The Judiciary of The Gambia to fast-track the implementation of their Strategic Plan, in particular Goal 4 'Improve efficiency of court processes and service delivery'.
2. The Judiciary to expand the automated transcription system to all courts in order to reduce the length of proceedings.
3. The Gambia Bar Association and other legal professional bodies to endeavor to provide pro bono services to indigenes.
4. The Ministry of Justice to improve the human capacity of National Agency for Legal Aid to provide services to low earning members of society.

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<sup>24</sup> R v Sussex Justices ex parte McCarthy [1924].

<sup>25</sup> Yankuba Jallow 'Growing Backlog of Cases Delay Justice for People' *Foroyaa Newspaper* 18 January 2024 <https://foroyaa.net/growing-backlog-of-cases-delay-justice-for-people/>.

Since the change of Government after the 2016 Presidential Elections, The Gambia has achieved notable progress in advancing freedom of expression and strengthening media freedoms. In 2024, the country was ranked 74 in the Global Freedom of Expression Report and as one of the ten (10) best performing countries in Africa.<sup>26</sup> However, during the reporting year, threats to take legal action against publishers and civil suits against journalists and publishers, threatened the freedom of expression space.

On 23<sup>rd</sup> September 2024, the Voice Newspaper published a story claiming that President Adama Barrow had chosen Muhammed Jah to be his successor as part of an exit plan. Thereupon, the President, through his lawyer, wrote to The Voice Newspaper and demanded a full retraction of the article within 24 hours and a befitting apology or face legal action. On 26<sup>th</sup> September 2024, the Reporter Momodou Justice Darboe and his Editor-in-Chief Musa Sheriff were interrogated by the Police for false publication and broadcasting.<sup>27</sup> The author of the story was later charged with "false publication and broadcasting" and released on bail. However, at a meeting with members of the Gambia Press Union, Media Council of The Gambia, Women Journalists Association and the Newspapers Publishers Association, held on 4 November

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<sup>26</sup> Gambia performs in 2024 Global Expression Report *The Point Newspaper* 9th August 2024. <https://thepoint.gm/africa/gambia/headlines/gambia-performs-in-2024-global-expression-report>.

<sup>27</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/the-gambia-two-journalists-arrested-and-charged-with-false-publication-against-the-president>.

2024, the President agreed to drop his civil suit against The Voice Newspaper unconditionally.<sup>28</sup>

In October 2024, another journalist, Kebba Ansu Manneh, was sued by the Minister of Environment, Climate Change and Natural Resources for defamation with claim in damages of 50 million Dalasi.<sup>29</sup> The suit is ongoing. The Gambia Press Union has expressed concerns over these civil suits as they could adversely affect freedom of expression and press freedom.

The Gambia Press Union, in October 2024, submitted a position paper to the National Assembly.<sup>30</sup> The paper is part of advocacy efforts by the GPU and highlights the challenges that may result from the provisions of the Cybercrimes Bill, 2023 and Criminal Offences Bill such as those of false publication and broadcasting. According to the GPU, 'despite Government's claim of commitment to media law reforms, this provision in the Cybercrimes Bill places severe restrictions on media freedom and freedom of expression despite recommendations by the Gambia Press Union and the ECOWAS Court of Justice for its removal from the penal code and as per the Recommendation of the TRRC which the Government accepted.'

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<sup>28</sup> Barrow drops civil suit against The Voice *Point Newspaper*  
[https://thepoint.gm/africa/gambia/headlines/barrow-drops-civil-suit-against-the-voice#google\\_vignette](https://thepoint.gm/africa/gambia/headlines/barrow-drops-civil-suit-against-the-voice#google_vignette) accessed 25<sup>th</sup> March 2025.

<sup>29</sup> *The Point* 'GPU alarmed by defamation suits against journalist' 28 October 2024  
<https://thepoint.gm/africa/gambia/headlines/gpu-alarmed-by-defamation-suits-against-journalists>.

<sup>30</sup> <https://gpu.gm/gambia-press-union-position-paper-on-the-cybercrime-bill-2023/>.

## **Recommendations**

1. The State, through the Ministry of Justice, to review all laws that have the potential of being used to suppress freedom of expression.
2. The Attorney General to withdraw the charges of false publication against the Reporter of the Voice Newspaper.
3. The Minister of Environment to consider withdrawing the defamation lawsuit against journalist Kebba Ansu Manneh.

There has not been any reported restriction on the right to register or belong to associations. However, freedom of assembly was restricted in many instances during the reporting period. Pursuant to the Public Order Act, several permit requests were denied by the Inspector General of Police (IGP). In April 2024, the IGP refused a request for a permit to protest over concerns relating to disruption of ferry services and alleged corruption within the Gambia Ports Authority (GPA). In a letter to the applicants, the IGP cited security concerns and the impending OIC Summit as reasons for the refusal.<sup>31</sup> On 21 April 2024, Marr Nyang, leader of the anti-corruption organization Gambia Participates, along with seven other advocates subsequently proceeded to hold a peaceful sit-down protest at the Arch 22 in Banjul. They were, however, arrested and detained for seven hours at the Police Headquarters in Banjul. In June 2024, the Gambia Police Force also denied protest permit to cement importers.<sup>32</sup> The planned protest was precipitated by allegations of import monopoly, increase in duty charges, and the skyrocketing of prices.

Nonetheless, in November 2024, the Coalition of Progressive Gambians was granted a permit to hold a protest in favour of the 2020 Draft Constitution. This followed the announcement that the Draft Constitution 2024 will be tabled for its first Reading on 27<sup>th</sup> November 2024. Although it was reported that the Police had

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<sup>31</sup> <https://standard.gm/transparency-international-concern-over-arrest-of-activists/>.

<sup>32</sup> <https://thepoint.gm/africa/gambia/headlines/police-deny-cement-importers-permit-to-march>.

delayed the issuance of the permit, the eventual granting was a positive development.

On 2<sup>nd</sup> December 2024, the police forcefully clamped down on university students to disrupt a peaceful assembly within the premises of the University of The Gambia. In the process, a police officer discharged a teargas canister leading to brief hospitalization of some students.<sup>33</sup> There was no evidence of either violence or threats of violence by the students.

Enjoying the right to freedom of assembly continues to be a challenge in the country. In the 2023 State of Human Rights Report, the NHRC directed the attention of the State to the implications of section 5 of the Public Order Act as it restricts the right to freedom of assembly. The recommendations to harmonize the Public Order Act with the 1997 Constitution and other international obligations of The Gambia, and to move from permit to notification regime are not yet implemented.

While reasonable restrictions on association and assembly are permissible under human rights law and the 1997 Constitution, the restrictions should be exercised in accordance with fairness, equality and non-discrimination.

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<sup>33</sup> <https://www.kerrfatou.com/concern-over-police-action-against-university-students/>.

## **Recommendations**

1. The Ministry of Interior and Ministry of Justice to amend Section 5 of the Public Order Act to provide for notification instead of the requirement for permit and place it before the National Assembly for enactment.
2. The Attorney General to withdraw all charges against persons accused of holding unlawful assemblies pursuant to the Public Order Act.

## 12 Drugs and Substance Abuse

In 2024 the Drug Law Enforcement Agency-The Gambia (DLEAG) discovered the existence or prevalence of ‘kush’, a locally prepared substance which contains a mixture of cannabis, fentanyl, tramadol and formaldehyde and is highly addictive and fatal. In June 2024, DLEAG recorded 113 drugs and substances abuse cases, with 11 fatalities due to ‘Kush’. Consequently, and worried about this regard, a national taskforce for drug and substance abuse was created to support the DLEAG in its fight against the use of these drugs.

While fatalities because of the use and abuse of ‘kush’ have lessened due to public awareness and the vigilance of DLEAG, drugs and substance abuse remains a worrying concern for parents, communities and the Government. The violent crimes in the communities, especially burglary and robbery with violence, are associated with drugs and substance abuse. The prevalence of drugs and substance such as cocaine, hashish, ecstasy pills, and tramadol tablets on the streets is equally worrying. Many arrests have been made by DLEAG in that regard. Between February 22, 2024, and March 2, 2024, thirty-two individuals were arrested for drugs possession.<sup>34</sup> In October 2024, multiple arrests were also made in major drugs busts by officers of DLEAG.<sup>35</sup>

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<sup>34</sup> <https://freedomnewspaper.gm/gambia-32-individuals-apprehended-for-drugs-possession/>.

<sup>35</sup> <https://gambiana.com/dleag-arrests-multiple-suspects-in-major-drug-bust-across-gambia/>.

## **Recommendations**

1. DLEAG to intensify efforts to fight drug and substance abuse in The Gambia.
2. The Ministry of Interior to provide DLEAG with adequate technical, financial and human resources to effectively out its functions.
3. DLEAG to intensify its awareness raising activities in communities and schools on the effects of drugs and substances on the youth and the society.
4. The Ministry of Interior to amend the Drug Control Act 2002 to give priority to demand reduction, prevention and rehabilitation of drug abusers.
5. DLEAG to intensify efforts to address and fight drug and substance abuse in The Gambia.
6. The Ministry of Interior to provide adequate logistics and materials to the taskforce to enable it carry out its functions.

Persons suffering from or dealing with mental issues in The Gambia are often stigmatized, judged, isolated and excluded and thus are reluctant to seek the necessary care and support. There is also inadequate understanding of mental health disorders, and the mental health service delivery system is beset with many challenges including insufficient trained mental health professionals, such as psychiatrists, psychologists and counselors and facilities for care and rehabilitation.

Currently, there is no rehabilitation facility or programmes, crucial recovery and reintegration in the country. The country's only in-patient mental health facility, Tanka Tanka Psychiatry Department (TTPD) situated in the West Coast Region, struggles with very limited capacity and resources and lacks the infrastructure and services necessary for comprehensive long-term care. Unlike the urban area, there is no in-patient mental health facility that serves the rural population.

The legal framework that governs persons with mental health issues in the country is the Lunatics Detention Act 1917. It is outdated legislation, does not adequately protect all persons with mental health issues and is not in line with international human rights standards, norms and best practices relating to mental health rights. The absence of a modern Mental Health Act and Policy, and the non-implementation of the recommendations of the African Commission on Human and Peoples' Rights in *Purohit and Moore vs The Gambia* make the enjoyment of the right to the

best attainable state of physical and mental health challenging in The Gambia.

By and large, the mental health sector faces insufficient funding and resources which hinder the country's ability to provide adequate care to persons struggling with mental health issues. Consequently, the country's ability to recruit or train the requisite human resources, have in stock the necessary medications and provide adequate psychosocial, rehabilitative and therapeutic care and treatment are severely limited. On 26 and 27 November 2024, the NHRC held a national dialogue on mental health and the issues highlighted above were raised during the convergence. The status of the prisons, challenges to access psychosocial support and the precarious effects of drug abuse on the mental health of The Gambia were also discussed. It was also indicated that there is a low mental health literacy rate in The Gambia, thus a need to educate people on the subject.

### **Recommendations**

1. The Ministry of Health to provide sufficient funding to the TTPD.
2. The Ministry of Health to decentralise the services provided by TTPD, accelerate the decision to transform Tanka Tanka into an independent public institution and provide it with adequate human, technical, financial and other resources.

3. In the long term, the Ministry of Health to explore the possibility of transforming TTPD into a fully specialised hospital.
4. The Ministry of Health to establish and ensure effective implementation of a patient-centred referral system between and amongst relevant authorities.
5. The Ministry of Health to provide adequate training and incentives to mental health professionals.
6. The Ministry of Health to push for the enactment of the Mental Health Bill 2019.
7. The National Assembly to repeal the Lunatic Detention Act and accelerate the enactment of the Mental Health Bill.
8. The Ministry of Health to establish rehabilitation centers to assist individuals with their recovery and reintegration into society.
9. The Ministry of Justice to train State Counsels and prosecutors on mental health rights and how to support people going through the criminal justice system.
10. The Ministry of Basic and Secondary Education and the Ministry of Higher Education, Research, Science and Technology to include mental health education in their curricula.

The civil suit filed in July 2023 by 19 plaintiffs representing families of at least 70 children who died from Acute Kidney Injury against the Attorney General, Ministry of Health, Maiden Pharmaceutical Company, Atlantic Pharmaceutical Company Limited and the Medicines Control Agency is still ongoing.<sup>36</sup> The families are seeking damages for the death of the children amounting to Five Million Dalasi a child and damages for pain and suffering prior to the death of the children in the amount of Ten Million Dalasi a child.<sup>37</sup> The High Court in October 2024 ruled that the State was liable to be sued, and no sovereign immunity was required under the law.<sup>38</sup> On 13 November 2024 the High Court admitted into evidence the death certificates and laboratory results of the victims of the AKI.<sup>39</sup> Following the appearance of the Chief Medical Director of EFSTH on behalf of the Minister of Health and the submission of some of the relevant documents before the Court, the case was adjourned to 21st November 2024. The State was also encouraged by the Judge to negotiate an out of court settlement with the victims. However, this has still yet to be reached.

The Medicines Control Agency, with support from its partners, has taken steps to ensure the safety of medicines and medical

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<sup>36</sup> <https://thepoint.gm/africa/gambia/headlines/aki-victims-sue-maiden-pharmaceutical-and-health-ministry>.

<sup>37</sup> <https://thepoint.gm/africa/gambia/headlines/aki-victims-sue-maiden-pharmaceutical-and-health-ministry>.

<sup>38</sup> <https://thepoint.gm/africa/gambia/headlines/court-rules-that-govt-is-liable-to-be-sued-in-aki-case>.

<sup>39</sup> <http://www.kerr.fatou.com/court-admits-death-certificates-labotory-results-of-aki-victims-into-evidence/>.

products entering The Gambia, as recommended by the Taskforce Report<sup>40</sup> on the Inquiry into the Death of Children. By forming alliances with laboratories in Ghana, India, and Pakistan, the MCA has streamlined testing and ensured compliance with strict pre-shipment protocols, helping to regulate medical products entering the country.<sup>41</sup>

Through legislative amendments, the MCA has also addressed concerns about duplicative regulatory requirements for countries with stringent regulatory authorities.<sup>42</sup> The revised legislation allows for the removal of redundant tests while maintaining high safety standards. Additionally, the MCA has received extensive training in Good Manufacturing Practice, Pharmacovigilance, and Risk-Based Post-Marketing Surveillance.<sup>43</sup> These capacity-building efforts have equipped MCA personnel with the skills needed to enforce regulatory compliance effectively.<sup>44</sup>

## **Recommendations**

1. The Ministry of Health to engage victims' families and explore avenues for out of court settlements as suggested by the court.
2. The Government to settle the cases with the families by engaging in productive dialogue with the victims' families.

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<sup>40</sup> Report of the Task Force Established to inquire into the Death of Children as a Result of Consumption of Contaminated Medicines Imported into the Country from India that is suspected to cause Acute Injury.

<sup>41</sup> <https://extranet.who.int/uhcpartnership/story/bright-future-safe-medicines-gambia>.

<sup>42</sup> As Above.

<sup>43</sup> As Above.

<sup>44</sup> As Above.

3. The Ministry of Health to take the necessary steps to continue the implementation of the Acute Kidney Injury Presidential Task Force Report.

In The Gambia, despite the absence of major multinational cooperations in the business sector, the activities of small and medium businesses in the fisheries, sand mining and other areas have been having an impact on the enjoyment of human rights in the country. Reports of devastating impacts of sand mining on private property and the environment in Gunjur made headlines in 2024. The reports indicate that around the ‘Senya Forest’ miners are increasingly targeting private lands and sand dunes on the beach.<sup>45</sup> Residents, including property owners around the sand mining areas, have reported their concerns as trucks frequently knock down fences and trespass on properties to access, steal and/or extract sand.

While sand mining companies have turned their attention to dredging as an alternative source of sandmining, the impact of dredging can be devastating on coastal and marine ecosystems. The US State Department reported that although the Government of The Gambia has specified in law or regulation the criteria and procedures for awarding natural resource extraction contracts and licenses, it does not appear to be following them in practice. Basic information on natural resource extraction awards is not always publicly available.<sup>46</sup>

The Ministry of Fisheries and Water Resources has been working on a Draft Fisheries Amendment Bill 2023 and Draft Fisheries

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<sup>45</sup> <https://www.gunjuronline.com/post/special-report-the-devastating-impact-of-illegal-sand-mining-in-gunjur>.

<sup>46</sup> <https://www.state.gov/reports/2024-fiscal-transparency-report/gambia/>.

Amendment Regulations 2023 and are planning to develop a National Action Plan.<sup>47</sup> However, neither document has come into effect. The existing regulations have not been properly implemented.

In April 2024, the Germany based *Deutsche Welle* reported that artisanal fishermen in coastal communities of Sanyang and other communities in the Kombo South compete with industrial trawlers for scarce fish at sea.<sup>48</sup> The impact of overfishing is exacerbated by the coastal pollution from the fishmeal factories. Despite several alarming reports of overfishing in The Gambia, an agreement between Senegal and The Gambia allows ‘Senegal to put 250 boats in Gambian waters, ranging from 40 horsepower boats to industrial trawlers. Article 1 of the Agreement allows the fishermen from Senegal to fish in Gambian waters. While the Agreement provides a limit on the number of boats allowed to come from Senegal, there is no monitoring mechanism to ensure proper implementation. This could exacerbate the scarcity of fish for consumption in The Gambia and the resultant loss of livelihood income for fishmongers and fisher families. With Article 1 of the Agreement allowing fishermen to land their catch in either country,<sup>49</sup> and Senegalese having the higher buyer power, experts believe that this leaves Gambian consumers vulnerable.

In its 2024 National Human Rights Report submitted to the UPR Working Group, The Gambia acknowledged the existence of ‘enormous Illegal, Unreported and Unregulated Fishing (IUUF),

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<sup>47</sup> Updates from FAO.

<sup>48</sup> <https://www.dw.com/en/overfishing-and-pollution-threats-to-gambias-blue-economy/video-68920798>.

<sup>49</sup> Agreement Between the Government of the Republic of Senegal and The Government of the Republic of The Gambia in The Field of Fisheries and Aquaculture Article 1.

illegal mining and logging, which have contributed in no small measure to insufficient fish supply and food insecurity, as well as hazardous land degradation.’ Overfishing and misuse of fishery resources by foreign-owned industrial trawlers, fish mills, and fish oil plants threaten the human rights especially the right to food of the fishing communities, and the country at large.

The UN Guiding Principles on Business and Human Rights is not widely known by businesses, civil society, the media and the public. The Government has not adequately popularised the Principles. Additionally, there is no National Action Plan on Business and Human Rights.

### **Recommendations**

1. The Ministry of Fisheries and Water Resources to put in place a proper mechanism to monitor the implementation of the Gambia-Senegal Fishing Agreement as well as other fishing agreements between The Gambia and other countries and companies.
2. The Ministry of Fisheries and Water Resources to review regional and international fishing agreements entered into by The Gambia to ensure artisanal fishermen have access to fish.
3. The Ministry of Fisheries and Water Resources to fast track the review of the national legal frameworks (Draft Fisheries Amendment Act 2023 and Draft Fisheries Amendment Regulations 2023) and development of National Action Plan.

4. The Ministry of Petroleum, Energy and Mines (MoPEM), in accordance with the UN Guiding Principles on BHR, to regulate mining and ensure full environmental impact assessment is done before issuing mining licenses.
5. The Ministry of Trade to widely popularise the UN Guiding Principles on Business and Human Rights, especially among businesses in the country.
6. The State to develop a National Action Plan on Business and Human Rights and provide adequate resources for its implementation.

## Budgeting, Resource Allocation and Human Rights

In The Gambia, Economic, Social and Cultural Rights (ESCR) are non-justiciable, thus holding the Government accountable for their realisation is a major challenge. However, the use of Human Rights Budgeting (HRB) as a tool to ensure the fulfilment of ESC rights has proven effective. This is because there is a tight connection between national budgets and governments' obligations for ESCR, which demonstrates the importance of Human Rights Based budgeting to be a legal requirement.

In 2024, the NHRC organised engagements on human rights-based budgeting for Councillors and staff of Basse Area Council, Kerewan Area Council, Mansakonko Area Council, Kuntaur Area Council and Janjanbureh Area Council. The rationale for these engagements is to ensure these Council consider the human rights implications of resource distribution and allocation in the preparation of their budgets.

A key sector which is impacted by inadequate resources is the education sector. In the Summary of Stakeholders' submissions on the 2024 Gambia Human Rights Report subjected to the Universal Periodic Report, Civil Society and other interested bodies decried the lack of resources for schools, especially in the rural areas, as one of the challenges faced by the education sector. A similar challenge was also highlighted in the health sector. Consequently, a human rights-based approach to budgeting

should be implemented by the State to ensure the enjoyment of ESC Rights in the country.

### **Recommendations**

1. The NHRC to support the Ministry of Finance to train all Ministries on Human Rights Based Budget.
2. The National Assembly to organise human rights-based budgeting training for National Assembly members and other staff.

According to the 2024 Trafficking in Persons Report on The Gambia by the US Department of State, positive steps have been taken to address Trafficking in Persons in the Country. However, based on its assessments of the State's efforts to address trafficking, The Gambia remained on Tier 2 category for not fully meeting the minimum standards for the elimination of trafficking in persons.<sup>50</sup>

It was reported that in 2024, 22 trafficking investigations were instituted by the State.<sup>51</sup> Six alleged traffickers were also prosecuted which led to the conviction of two sex traffickers to 15 years' mandatory imprisonment and a fine.<sup>52</sup> One of the traffickers was ordered to pay restitution of GMD 500,000 to the victims and in default to serve two extra years in prison.<sup>53</sup>

The 2024 Trafficking in Persons Report on the Gambia by the US Department of State also indicated that positive steps have been taken by the state to enhance protection against sex trafficking.<sup>54</sup> As part of its protection efforts, it is reported that the Government in 2024, rescued 38 victims from trafficking, including 24 sex trafficking victims, 10 labour trafficking victims and 4 victims of unspecified forms.<sup>55</sup> Twenty-four of the victims were reported to

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<sup>50</sup> <https://www.state.gov/reports/2024-trafficking-in-persons-report/gambia/>.

<sup>51</sup> As Above.

<sup>52</sup> As Above.

<sup>53</sup> As Above.

<sup>54</sup> As Above.

<sup>55</sup> As Above.

have been referred to the Shelter.<sup>56</sup> However, the support provided for the remaining 14 victims remains unclear.<sup>57</sup> Six labour trafficking victims were also reported to have been referred by an NGO to the National Agency Against Trafficking in Persons for care.<sup>58</sup>

In 2024, as part of its efforts to prevent trafficking in persons, NAATIP also conducted awareness raising activities, including one community outreach programme in Kartong.<sup>59</sup> Notwithstanding these positive actions by the State, the 2024 Trafficking in Persons Report on The Gambia indicated that there were no reports on the steps taken by the State to raise awareness or prevent child forced begging.<sup>60</sup>

NAATIP also conducted several tailor-made trainings on TIP and migrant smuggling during the reporting year. These include:

- Training of 20 Magistrates on 21<sup>st</sup> March 2024.
- Training of 29 Prosecutors on 27<sup>th</sup> March 2024.
- Training of 25 Law Enforcement officers at the Airport on 18th July 2024.
- Training of 30 CSO's on 15<sup>th</sup> February 2024.
- Online training of 21 Diplomatic personnel on 23<sup>rd</sup> March 2024.
- Training of 250 Immigration Officers intake 15 on 3<sup>rd</sup> to 7<sup>th</sup> June 2024.
- Training of 20 TSU officers on 24<sup>th</sup> to 25<sup>th</sup> September 2024.

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<sup>56</sup> As Above.

<sup>57</sup> As Above.

<sup>58</sup> As Above.

<sup>59</sup> Update from NAATIP during the validation.

<sup>60</sup> As Above.

- Training of 29 Station officers 30<sup>th</sup> to 1<sup>st</sup> October 2024.
- Training of 23 Hoteliers on 7<sup>th</sup> October 2024.<sup>61</sup>

While the country has made notable strides in addressing human trafficking through government initiatives, significant challenges persist. Continued efforts to strengthen law enforcement, protect vulnerable populations and raise public awareness are essential to effectively combat human trafficking in the country. The 2024 Trafficking in Persons Report on The Gambia by the US Department of State made several recommendations to the State to support its efforts to meet the minimum standards for the elimination of trafficking in persons in The Gambia. The recommendations adopted for the purpose of the report are as follows:

1. NAATIP to increase efforts to investigate and prosecute trafficking crimes, separate from migrant smuggling, and seek adequate penalties for convicted traffickers, including fraudulent labour recruiters and complicit officials.
2. The Ministry of Gender, Children and Social Welfare to increase the quantity and quality of shelter services and ensure a victim- centered and trauma- informed approach to the provision of assistance for all identified trafficking victims.
3. NAATIP to continue to train law enforcement, diplomatic personnel, service providers, and civil society on the National Referral Mechanism (NRM) and victim identification Standard Operating Procedures (SOPs) and fully implement the procedures throughout the country.

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<sup>61</sup> Update from NAATIP Representative during the validation.

4. Ministry of Trade, Employment and Regional Integration and the Department of Labour to increase efforts to prevent exploitation of Gambian workers abroad, including by implementing the 2023 Labor Act to regulate and monitor recruitment agencies, implementing the national migration policy and pre-departure procedures, and eliminating worker-paid recruitment fees.
5. Ministry of Justice to ensure NAATIP has adequate financial, technical and human resources to effectively carry out its mandate.

**The NHRC is further recommending that**

1. The Ministry of Trade to strengthen the capacity of the Department of Labour to effectively monitor the implementation of the Labour Act 2023.
2. Ministry of Justice to ensure NAATIP has adequate financial, technical and Human Resources.

Migrants smuggling is defined by the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident".<sup>62</sup> This illicit activity involves facilitating the unauthorized entry of individuals into a country for financial or other material gain.<sup>63</sup>

Economic challenges and limited employment opportunities drive many Gambians to seek passage to Europe and other destinations through irregular means.<sup>64</sup> It is reported that in July 2024, a boat carrying 180 people traveling from the shores of Gunjur to Europe capsized leaving 14 dead and 121 passengers missing.<sup>65</sup> In another tragic incident twelve young men and women from Bakau lost their lives in September 2024 following an attempt to travel to Europe through Irregular means.<sup>66</sup> In November 2024 Spanish police arrested seven migrant smugglers accused of torture<sup>67</sup> and killing

<sup>62</sup> Protocol Against The Smuggling of Migrants by Land, Sea and Air, Supplementing The UN Convention Against Transnational Organized Crime

<sup>63</sup> <https://www.interpol.int/en/Crimes/Human-trafficking-and-migrant-smuggling?utm>.

<sup>64</sup> [R10 Economic-challenges-push-more-Gambians-to-consider-emigration-Afrobarometer-bhh-18dec24.pdf](#).

<sup>65</sup> [Backway: Gunjur mourns as two young men die onboard a boat to Europe](#).

<sup>66</sup> [Bakau families mourn tragic loss of loved ones after migrant boat capsized](#)

<sup>67</sup> <https://fatunetwork.net/tragedy-at-sea-7-gambians-killed-by-boat-captains-heading-to-spain-7-arrested/>.

of four migrants during a sea crossing to the Canary Islands.<sup>68</sup> The boat, which was carrying 207 individuals on board, is reported to have started its journey from The Gambia transiting through Bassoul, an island in Senegal where majority of its passengers boarded.<sup>69</sup>

The Gambia has ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organised Crime.<sup>70</sup> Other efforts to address the phenomenon of migrant smuggling in The Gambia include a pledge by the State to achieve Global Compact for Migration (GCM) Objective 9: to strengthen the transnational response to smuggling of migrants.<sup>71</sup> This Objective also includes working to strengthen local capacity, as well as working collaboratively with partners to prevent, investigate, prosecute and penalize the smuggling of migrants.<sup>72</sup>

In 2019, The Gambia drafted a Bill to criminalise the smuggling of migrants and in 2023, it also drafted an Immigration Bill which generally deals with immigration issues in the Gambia. However, due to financial and technical constraints the Gambia Immigration Department decided in 2024 to merge the Immigration Bill and the

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<sup>68</sup> <https://fatunetwork.net/tragedy-at-sea-7-gambians-killed-by-boat-captains-heading-to-spain-7-arrested/>.

<sup>69</sup> As Above.

<sup>70</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVII-I-12-b&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVII-I-12-b&chapter=18&clang=_en).

<sup>71</sup> <https://migrationnetwork.un.org/pledge/strengthening-transnational-response-smuggling-migrants>.

<sup>72</sup> <https://migrationnetwork.un.org/pledge/strengthening-transnational-response-smuggling-migrants>.

Smuggling of Migrants Bill referred to as the Gambia Immigration Bill 2024. The Smuggling of Migrants is contained under Chapter 12 of the Draft Bill which prohibits the smuggling of migrants and other connected matters. The Bill is currently at the Ministry of Interior for final review before tabling at Cabinet for approval and submission to the National Assembly for adoption.

### **Recommendations to the Ministry of Interior**

1. To take all necessary steps to expedite the finalization of the Gambia Immigrations Bill 2024.
2. To take necessary steps to train Immigration and other relevant security officers on migrant smuggling.
3. To ensure that the Chapter on Smuggling of Migrants in The Gambia Immigration Bill is enforced when passed.
4. To work with necessary stakeholders to create awareness on the phenomenon of Migrant Smuggling and its negative effects on people.

## 19 Rights of Children

The Gambia has ratified and domesticated laws which protect the rights of the child. However, children in The Gambia continue to face various forms of violence, including corporal punishment, physical and sexual abuse, and exploitation. There is a high prevalence rate of FGM with two thirds of survivors having had the practice performed on them when they were younger than five years.

A major concern during the reporting year was the proposed repeal of the Women (Amendment) Act 2015 which prohibits FGM/C in The Gambia.<sup>73</sup> Following intense debates and advocacy by interested stakeholders, in July 2024, the National Assembly voted to uphold the ban.<sup>74</sup> The decision of the National Assembly was seen as a significant victory for the protection of girls and women in the country as the reversal would have undermined significant gains to ending the practice in the country.<sup>75</sup> However, the challenge to the anti FGM law has taken a new direction as a petition was filed at the Supreme Court of The Gambia in 2024.<sup>76</sup> The petition, led by the National Assembly Member for Foni Kansala and 7 others, challenges the constitutionality of Sections 32A and 32B of the Women's (Amendment) Act, 2015. The case is pending at the Supreme Court of The Gambia.

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<sup>73</sup> <https://www.amnesty.org/en/latest/news/2024/03/gambia-parliament-must-not-lift-the-ban-against-female-genital-mutilation/>

<sup>74</sup> <https://www.aljazeera.com/news/2024/7/15/gambias-parliament-upholds-ban-on-female-genital-mutilation>.

<sup>75</sup> <https://www.unicef.org/press-releases/unicef-and-unfpa-alarmed-proposed-repeal-law-banning-fgm-gambia>.

<sup>76</sup> Foni Kansala NAM and Others Contest Sections of Women's Amendment Act 2015 At Supreme Court *Kerr Fatou* available at <https://www.kerrfatou.com/foni-kansala-nam-and-others-contest-sections-of-womens-amendment-act-2015-at-supreme-court/>.

During the reporting period, The Gambia took other laudable steps to protect the rights of the child. In November 2024, The Gambia pledged to end corporal punishment in schools, aligning with a global movement to protect children from violence.<sup>77</sup> This commitment was part of an initiative announced ahead of the United Nations' first Global Ministerial Conference on Violence Against Children.<sup>78 79</sup>

The Gambia Multiple Indicator Cluster Survey 2018 stated that 71.7% of children aged 1-14 years had experienced physical and or psychological punishment by their mothers or caregivers in the month prior to the survey.<sup>80</sup> It has also been reported under The Gambia's responses to the List of Issues submitted to the Committee on the Rights of the Child that the Ministry of Basic and Secondary Education has issued a directive banning corporal punishment in all schools pending the amendment of the Children's Act 2025.<sup>81</sup> The combined 4th to 7th Periodic Reports of The Gambia on the UNCRC also indicated that there is a proposed amendment to the Children's Act 2005 to prohibit corporal punishment in all settings, including homes.<sup>82</sup> This proposed amendment to the Children's Act shows the commitment to creating safe homes and educational environments that "preserve children's self-esteem, physical and psychological integrity."<sup>83</sup>

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<sup>77</sup> <https://www.theguardian.com/global-development/2024/nov/07/countries-pledge-to-ban-corporal-punishment-children?utm>.

<sup>78</sup> As Above.

<sup>80</sup> The Gambia Multiple Indicator Cluster Survey 2018.

<sup>81</sup> UN Convention on the Rights of the Child Committee on the Rights of the Child, combined fourth to Seventh reports submitted by the Gambia under article 44 of the Convention, due 2021.

<sup>82</sup> As Above.

<sup>83</sup> As Above.

### **Recommendations to the Ministry of Gender, Children and Social Welfare**

1. To work with law enforcement to enforce the ban on FGM/C.
2. To engage stakeholders to coordinate and enhance awareness raising initiatives aimed at eradicating FGM/C especially on children.
3. To work with the Ministry of Justice to pass the proposed amendment to the Children's Act 2005 to prohibit Corporal Punishment.

## Female Genital Mutilation, and other Violations of Rights of Women and Girls

Gender-Based Violence (GBV) refers to harmful acts directed at a person based on their gender. The Committee on the Elimination of Discrimination Against Women in General Recommendation No.35 indicates that GBV encompasses various forms of abuse, including physical, sexual, psychological, or economic harm amongst others.<sup>84</sup> The World Health Organization has indicated that 1 in 3 women globally have been subjected to either physical or sexual violence in their lifetime.<sup>85</sup>

According to UNICEF, more than 73 per cent of girls ages 15 to 49 have undergone FGM/C in The Gambia.<sup>86</sup> It is reported that FGM/C, which is a form of physical violence, is inflicted on many before their fifth Birthday.<sup>87</sup> The Gambia criminalised Female Genital Mutilation in 2015 through the enactment of the Women's (Amendment) Act 2015. Despite the ban, The Gambia has successfully prosecuted only one case leading to a conviction in August 2023.<sup>88</sup>

<sup>84</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19.

<sup>85</sup> <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

<sup>86</sup> <https://www.unicef.org/press-releases/gambias-decision-uphold-ban-fgm-critical-win-girls-and-womens-rights>.

<sup>87</sup> As Above

<sup>88</sup> <https://www.amnesty.org/en/latest/news/2024/03/gambia-parliament-must-not-lift-the-ban-against-female-genital-mutilation/>.

As a result of the conviction, on 4<sup>th</sup> March 2024 a Women's (Amendment) Bill was introduced in the National Assembly to repeal the ban on FGM/C in The Gambia.<sup>89</sup> Grave concerns were raised nationally and internationally following the introduction of the Bill to the National Assembly. At the Second Reading of the Bill, Members voted to send the Bill to the Assembly Business Committee (ABC) - 42 lawmakers voted for the Bill's committal to the ABC, 4 lawmakers voted against and 1 legislator abstained.

Following the adoption of the report of the Committee, the Bill moved to Consideration Stage in July 2024 where the National Assembly voted against the Women's (Amendment) Bill 2024, thereby maintaining the Women's (Amendment) Act 2015.<sup>90</sup> The decision of the National Assembly reaffirms The Gambia's international and regional obligations to protect women and girls against harmful practices such as FGM.

There exists a National Gender Policy 2025-2034, developed by the Ministry of Gender and launched in 2024. One of its Policy Priorities is "Sexual and Gender Based Violence" and indicates that the Government will take measures to ensure the elimination of all forms of Sexual and Gender-Based against women and girls. Notwithstanding, statistics show that women and girls in The Gambia continue to suffer from sexual and gender-based violence. According to the Gender Information Management System Center established for safe, confidential and convenient reporting of GBV

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<sup>89</sup> [https://equalitynow.org/news\\_and\\_insights/whats-happening-with-fgm-law-in-the-gambia/](https://equalitynow.org/news_and_insights/whats-happening-with-fgm-law-in-the-gambia/)

<sup>90</sup> <https://www.aljazeera.com/news/2024/7/15/gambias-parliament-upholds-ban-on-female-genital-mutilation>.

cases, 398 GBV cases were reported in 2024. Out of these cases 187 were rape cases, 70 were sexual assault cases and 71 were physical assault cases. In 2024, it was reported that a Police Intervention Unit (PIU) Officer sexually assaulted a girl on the beach and filmed it.<sup>91</sup> Following the incident the Gambia Police Force released a statement condemning the actions of the Officer and indicated that the incident will be thoroughly and impartially investigated.<sup>92</sup> The GPF also stated that the police officer, if found guilty, will “face the full force of the law and strict disciplinary measures will be upheld”.<sup>93</sup>

The Government has the obligation 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.<sup>94</sup> The Committee on the CEDAW under General recommendation No. 35, has noted that failure of the State to fulfil its obligation provides “tacit permission or encouragement to perpetrate acts of gender-based violence against women”.<sup>95</sup>

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<sup>91</sup> <https://www.facebook.com/WhatsOnGambia/videos/piu-in-trouble/548076958019080/>

<sup>92</sup> <https://www.kerrfatou.com/police-officer-arrested-for-misconduct-at-senegambia-tourism-development-area/>.

<sup>93</sup> As Above.

<sup>94</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19.

<sup>95</sup> As Above.

**Recommendations:**

1. The Ministry of Gender, Children and Social Welfare to work with The Gambia Police Force to enforce the Women's (Amendment) Act 2015.
2. The Ministry of Gender, Children and Social Welfare to work with the Ministry of Justice and other relevant stakeholders to continue to raise awareness on the legislation against FGM/C and educate families, communities and traditional and religious leaders on the Law and harmful effects of the practice.
3. The Gambia Police Force and 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 that was allegedly sexually assaulted by the PIU officer on the beach.
4. The Ministry of Gender, Children and Social Welfare to take necessary steps to ensure allocation of adequate resources for the effective implementation of the National Gender Policy 2025-2034 by all the sectors.

## 21 Rights of Older Persons

According to the 2024 Census Preliminary Report of The Gambia, the country is predominantly made up of a youthful population with 40.8 per cent under the age of 15 years and 3.0 per cent above 65 years.<sup>96</sup> The Preliminary Report also indicated that the elderly population increased by 25.8% from 58,055 to 73,054.<sup>97</sup> The United Nations Independent Experts on older people has stated that older persons face various forms of discrimination and inequalities.<sup>98</sup> These challenges include issues in employment and access to health care. older persons also face several forms of violence, abuse and neglect.<sup>99</sup>

The challenges faced by older persons globally are similar to those faced by older persons in The Gambia, including access to public spaces, health care and limited community support.<sup>100</sup> The Compilation of Information prepared by OHCHR on The Gambia's 2024 Human Rights Report to the Human Rights Council Working Group on the Universal Periodic Review has also indicated that older persons are vulnerable to abuse and discrimination.<sup>101</sup> They also face challenges including social exclusion and limited access to services.<sup>102</sup>

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<sup>96</sup> The Gambia 2024 Population and Housing Census Preliminary Report, Gambia Bureau of Statistics August, 2024.

<sup>97</sup> As Above.

<sup>98</sup> <https://www.ohchr.org/en/special-procedures/ie-older-persons>.

<sup>99</sup> As Above.

<sup>100</sup> <https://www.csmonitor.com/World/Africa/2024/0628/ageing-africans-need-attention>.

<sup>101</sup> Compilation of Information prepared by the Office of the United Nations High Commissioner for Human Rights Gambia <https://www.ohchr.org/en/hr-bodies/upr/gm-index>.

<sup>102</sup> As Above.

With the country having a youthful population, Ageing with a Smile Initiative, an NGO that works to promote the rights of older persons in The Gambia, has stated that there is limited public and policy discussions on issues regarding or affecting older persons.<sup>103</sup> In this regard, the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa is a significant step towards the promotion and protection of the rights of older persons in the country. The Protocol, ratified by the National Assembly on 25th June 2024,<sup>104</sup> establishes a legal framework to address “age-based discrimination, enhances access to health care, and guarantees social protection for older people affirming their dignity and inclusion in society”. However, the Instrument of Ratification is yet to be deposited with the AU Commission, and it is also yet to be domesticated. There is also no National Policy on Older Persons.

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

1. To follow-up with the Ministry of Foreign Affairs and Gambians Abroad to ensure the Instrument of Ratification for the Protocol to the African Charter on Human and Peoples Rights on the Rights of Older Persons in Africa is deposited with the Chairperson of the African Union Commission.

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<sup>103</sup> <https://www.csmonitor.com/World/Africa/2024/0628/ageing-africans-need-attention>.

<sup>104</sup> <https://www.voicegambia.com/2024/06/27/assembly-ratifies-protocol-on-rights-of-older-persons-in-africa/>.

2. To work with the Ministry of Justice to domesticate the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.
3. To work with relevant stake holders to raise awareness on the rights of older persons.
4. To develop a National Policy on Older Persons and ensure its effective implementation.
5. To effectively implement the National Social Protection Policy for realization of the enjoyment of the rights of older persons in The Gambia.
6. To improve the services of the Bakoteh Shelter and Home of the Older Persons and Children to cater for the needs of older persons who are hosted there.
7. To devise strategies to actively engage older persons in national development initiatives and discourses.
8. The National Assembly and other Ministries and Agencies should mainstream and integrate older persons' rights into all laws, policies, plans and programmes, and include older women in policy and decision-making processes.

The Gambia has made notable progress in advancing the rights of persons with disabilities, particularly with the enactment of the Persons with Disabilities Act 2021. Furthermore, the establishment of the National Advisory Council for Persons with Disabilities in 2023 has reinforced the State's commitment to implementing the PWD Act, as well as supporting the Ministry of Gender, Children, and Social Welfare. Additionally, the development of the National Disability Strategy provides a comprehensive framework to guide the nation in developing effective strategies for the inclusion and protection of persons with disabilities.

However, significant challenges remain in the promotion and protection of the rights of persons with disabilities, especially the effective implementation and enforcement of the Persons with Disabilities Act 2021. One of the primary concerns is the limited accessibility of public buildings, which are often not designed to accommodate the needs of persons with disabilities, thus hindering their full participation in society.

The Persons with Disabilities Act 2021 recognises, in Section 33, the rights of children with disabilities to access mainstream education and for their educational needs to be provided without discrimination. However, children with disabilities face significant barriers to accessing mainstream services. Access to educational structures and facilities, including school infrastructures, remains a significant challenge. While the Government promotes inclusive

education for all children, mainstream schools do not specifically cater to their needs, significantly limiting their access to education and heightening their risk of being left behind. There exists only 3 specialist schools that cater for children with disabilities, including visual, hearing, or learning disabilities. Furthermore, they are all found in the urban areas. The lack of universal designs in the transportation system in The Gambia hinders access to education for children with disabilities. Moreover, accessibility of national media broadcasts remains a critical issue, particularly for persons with hearing impairments. Currently, aside from QTV, sign language interpretation is not provided during news broadcasts, leaving persons who are hard of hearing without access to crucial information, especially during news hours and some national events.

Employment opportunities for persons with disabilities are limited in both the public and private sectors. There is a lack of accessible infrastructure and assistive technologies. Many workplaces are not equipped to accommodate individuals with physical or mobility disabilities. This lack of accessible infrastructure and assistive technologies makes it difficult for persons with disabilities to perform their job tasks effectively.

People with disabilities are significantly underrepresented in elected positions and other public decision-making bodies, including independent institutions. The Local Government Act 2002 (as amended) mandates that each Local Council must appoint a representative from the community of persons with disabilities. However, of the 137 councillors across the eight Local Government Authorities, only eight are individuals with

disabilities.<sup>105</sup> Those with disabilities face substantial barriers in exercising their right to participate in public affairs, including discrimination, stigmatization, and the widespread belief that they lack leadership ability. Running for political office often requires substantial financial resources, which poses an additional challenge for persons with disabilities who are generally among the most economically disadvantaged in the society.

Regarding the reporting obligations on the rights of persons with disabilities, The Gambia has not submitted its initial or periodic reports to the Committee on the Rights of Persons with Disabilities, as required by article 35(1) and (2) of the CRPD, since acceding to the Convention in 2015.

Addressing these gaps requires a sustained commitment to enhancing accessibility, inclusion, and equal participation for persons with disabilities across all sectors of society.

## **Recommendations**

1. The Ministry of Information, Media and Broadcasting Services to ensure that State broadcasters cater for sign language interpretation for those with hearing impairments.
2. The Ministry of Gender, Children and Social Welfare to provide adequate financial and technical support to the National Advisory Council to effectively carry out its functions.

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<sup>105</sup> Situational Analysis of the Rights of Persons with Disabilities in The Gambia available at [https://unprpd.org/new/wpcontent/uploads/2023/12/Situation\\_Analysis\\_CountryBrief\\_The\\_Gambia-f1a.pdf](https://unprpd.org/new/wpcontent/uploads/2023/12/Situation_Analysis_CountryBrief_The_Gambia-f1a.pdf) accessed 30 March 2025.

3. The Ministry of Basic and Secondary Education to ensure that access to education for children with disabilities is mainstreamed to promote inclusive education.
4. The Ministry of Transport, Works and Infrastructure to ensure that public buildings and transportation are accessible to persons with disabilities.
5. Public institutions to adopt and implement the CRPD budget compliant guidelines developed by the NHRC.
6. The Government, through the Ministry of Gender, Children and Social Welfare, to submit its initial and periodic reports to the Committee on the Rights of Persons with Disabilities.
7. The Ministry of Gender, Children and Social Welfare to work with The Gambia Federation of the Disabled to ensure better protection of children with disabilities.

Key policy measures have been taken in environmental related regulations in 2024. During the reporting year, the Government of The Gambia launched the National Action Plan to End Plastic Pollution. The Plan outlines a comprehensive roadmap to reduce plastic pollution in The Gambia by 86% over the next decade.<sup>106</sup> The Plan is intended to be implemented within 10 years. The National Wildlife Management Strategy and Action Plan 2024-2034 was also developed to provide strategic guidance for wildlife management. Amongst the main issue of concern about the environment in The Gambia are wildfires. Despite these initiatives, some concerns remain.

Over the years, bushfires have affected over half of the forest cover in The Gambia leading to their degradation, loss of biodiversity, loss of lives and livelihoods, and increased greenhouse gas emissions. Most bushfires are caused by human activities, including charcoal burning, smoking, pest control, and farm burning activities. However, they are aggravated by the weather conditions and lack of the proper systems to manage the fires.<sup>107</sup> It is estimated that annually over 50% of forested areas are burned down, resulting in biodiversity loss, loss of food and feed, forest and soil degradation, and loss of economically desirable tree species. Wildfires have devastating effects on the environment and pose a major threat to ecosystem functionality.

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<sup>106</sup> <https://thepoint.gm/africa/gambia/headlines/govt-launches-landmark-plan-to-wipe-out-plastic-pollution>.

<sup>107</sup> <https://www.cifor-icraf.org/publications/pdf/briefs/PB24001.pdf>.

Between 22<sup>nd</sup> of February 2021 and 17<sup>th</sup> of February 2025 The Gambia experienced a total of 1,943 Visible Infrared Imaging Radiometer Suite fire alerts.<sup>108</sup> While there were variances between the years, 2024 was reported to witness the highest rates of bushfires with the period between January 2024 and April 2024 the peak of incidents. Upper River Region, Central River Region, and Lower River Region are considered the areas more prone to bushfires. While traditional methods such as fire buffers and community-based wildfire management methods are used to fight fire outbreaks, these methods are usually not effective enough. The National Wildfire Management Strategy and Action Plan 2024-2034 also recognises the capacity gap of Gambia Fire and Rescue Service (GFRS) in fighting and preventing wildfires.

Despite the common occurrence and the negative impact that bushfires have on the environment and animal grazing, there is little enforcement of the law and policies against perpetrators.

### **Recommendations**

1. The Inspector General of Police in collaboration with officials of the Department of Forestry to investigate fire outbreaks and, where necessary, bring the perpetrators to justice.
2. The Department of Forestry to develop long-term national infrastructure and systems to collect, process, and disseminate bushfire data to enhance decision-making.

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<sup>108</sup> CIFOR 'Reducing Forest degradation by managing bushfires in The Gambia'.

3. The GFRS to provide capacity building for staff to effectively fight wildfires.
4. The GFRS to procure the relevant firefighting instruments to bridge its capacity gaps to enhance firefighting and response.
5. The GFRS to decentralise services to all regions and increase the budget allocation for them.

## Progress and Challenges of the Implementation of the Government White Paper on the Report of the TRRC

The Government has taken positive steps towards the implementation of the Government White Paper on the Report of the TRRC in 2024. As of May 2024, the Government has fully implemented 16 recommendations, partially implemented 192 in varying degrees and not implemented 55.

As part of its efforts to ensure justice and accountability, the Government of The Gambia, through the Ministry of Justice, has enacted the Special Accountability Mechanism (TRRC) Act 2024 and the Special Prosecutor's Office Act 2024. These legislation are geared towards prosecuting human rights violations from the TRRC findings and recommendations, and ensuring perpetrators are held accountable for the violations committed.<sup>109</sup>

In May 2024, a Swiss court, exercising universal criminal jurisdiction, sentenced Ousman Sonko, The Gambia's former Interior Minister, to 20 years in prison for his involvement in human rights abuses, including multiple counts of torture committed during Yahya Jammeh's regime.<sup>110</sup> This conviction marked a significant step towards accountability for past abuses. It is also

<sup>109</sup> <https://freedomnewspaper.gm/gambia-bills-addressing-human-rights-violations-passed-by-gambian-lawmakers/>

<sup>110</sup> <https://trialinternational.org/latest-post/gambian-former-minister-of-interior-ousman-sonko-convicted-of-crimes-against-humanity-in-historic-swiss-trial/>.

expected to encourage domestic prosecutions and further propel the justice and accountability aspect of the Transitional Justice process.<sup>111</sup>

Significant progress has also been made to operationalise the Victims Reparations Commission. The National Assembly has confirmed the appointment of the Commissioners of the Reparation Commission who are: Dr. Badara Loum, Isatou Ndow, Isatou Jammeh, Abdou A Manneh, Safiatou Touray, Dr. Babading Daffeh and Ebou Faye- Njie.<sup>112</sup> The Candidates will be formally appointed as Commissioners by the President in accordance with the Reparations Act 2023.<sup>113</sup>

Although some progress has been made in the implementation of the Government White Paper, the National Assembly has raised concerns at the slow pace of its implementation.<sup>114</sup> Hon. Madi Ceesay during the validation of the 2<sup>nd</sup> Annual Status Report on the implementation of the White Paper on the Report of the TRRC, raised concerns over what he described as the “lack of urgency to implement the recommendations with many requiring minimal funding to implement”.<sup>115</sup> Amongst other things, Hon. Ceesay stated that the slow rate of implementation “raises doubts about the government's political will to uphold justice for victims of past human rights violations”<sup>116</sup>.

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<sup>111</sup> <https://trialinternational.org/latest-post/gambian-former-minister-of-interior-ousman-sonko-convicted-of-crimes-against-humanity-in-historic-swiss-trial/>.

<sup>112</sup> <https://standard.gm/assembly-confirms-reparations-commission-members/>

<sup>113</sup> As above.

<sup>114</sup> <https://standard.gm/nam-queries-slow-implementation-of-trrc-recommendations/>

<sup>115</sup> As Above.

<sup>116</sup> As Above.

## **Recommendations**

1. The Ministry of Justice to take the necessary steps to ensure adequate resources are available for the Implementation Plan to the Government White Paper on the Report of TRRC.
2. Responsible institutions to take necessary steps to implement items in the Implementation Plan that require minimal to no funding.
3. The Ministry of Justice to work with the Reparations Commission to ensure it is fully functional.
4. The Ministry of Finance to allocate adequate financial resources for the implementation of the White Paper, including allocating funds in the national budget.
5. Government to strengthen the capacity of the post-TRRC Unit of the Ministry of Justice.

## The Gambia's Obligation to Report to United Nations Human Rights Mechanisms

The Gambia, in fulfilment of its reporting obligations, submitted on 18th October 2024 its national report to the Working Group on the Universal Periodic Review (UPR) of the Human Rights Council in preparation for its review under the Fourth Cycle of the UPR mechanism. The UPR is a peer review process of the Human Rights Council where States review the human rights records of other States.<sup>117</sup> The Gambia's review is scheduled for 21<sup>st</sup> January 2025 in Geneva.

The Gambia's Report focuses on the implementation of recommendations from the 3<sup>rd</sup> Cycle addressing areas on civil, political, economic, social and cultural rights, and rights of specific groups.<sup>118</sup> The Report also addressed areas such as business and human rights, Transitional Justice, youth unemployment and economic empowerment.<sup>119</sup>

The UPR, which occurs every 4.5 years, also includes the submission of reports by Member States, and other stakeholders for an accurate and objective review process.<sup>120</sup> The National Human Rights Commission is among the 16 stakeholders that presented submissions for the Universal Periodic Review. The

<sup>117</sup> <https://webtv.un.org/en/asset/k1l/k1l1666h48>.

<sup>118</sup> National Report Submitted pursuant to Human Rights Resolution 5/1 and 16/21\*Gambia <https://www.ohchr.org/en/hr-bodies/upr/gm-index>.

<sup>119</sup> As Above.

<sup>120</sup> <https://www.gm-nhrc.org/news/c7b2b84b-645e-11ef-a991-02a8a26af761>.

NHRC made submissions on multiple issues, including concerns over the handling of Sexual and Gender-Based Violence cases despite public education initiatives undertaken by the Government and NGOs.<sup>121</sup>

The Commission also gave an update on the failed attempts to decriminalise the practice of Female Genital Mutilation or Cutting and the retention of Sections 51 and 52 of the Criminal Code prohibiting sedition and hateful remarks against the President.<sup>122</sup> Furthermore, submissions were also made on the inadequate enforcement of the Persons with Disabilities Act 2021.<sup>123</sup>

As a party to the Convention on the Rights of the Child and in fulfillment of its obligations, on the 19<sup>th</sup> of April 2024 the State submitted its combined Fourth to Seventh Reports which contains its responses to the List of issues shared by the Committee on the Rights of the Child. The State's report provided an update on the progress made in fulfilling its obligations under the Convention, and also addressed issues such as violence against children, rights of children with disabilities, and health and health services. The NHRC submitted a complementary report on the status of implementation of the Concluding Observations issued to the State in 2015 by the Committee on the Rights of the Child. The Gambia is scheduled to have a constructive dialogue with the Committee on the 23 January 2025.

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<sup>121</sup> Summary of stakeholders' submissions on the Gambia Report of the Office of the United Nations High Commissioner for Human Rights <https://www.ohchr.org/en/hr-bodies/upr/gm-index>.

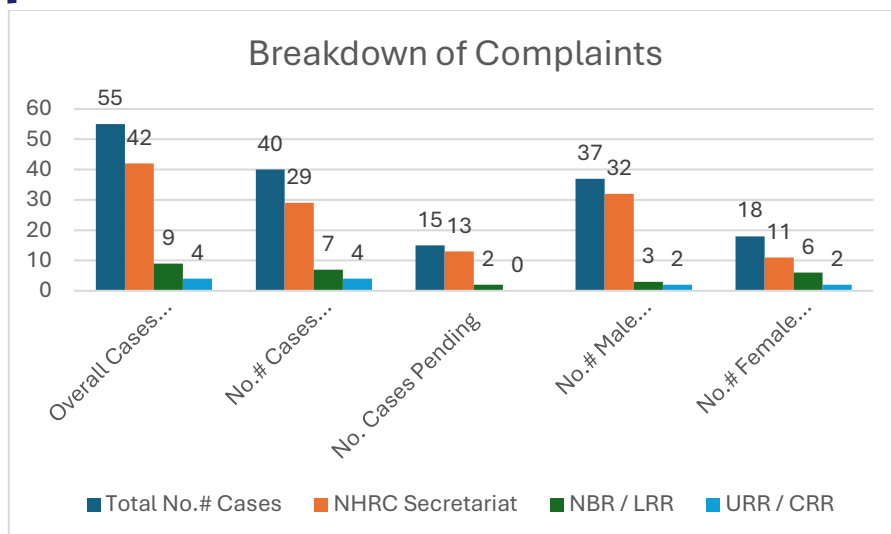
<sup>122</sup> As Above

<sup>123</sup> As Above

## **Recommendations**

1. The Ministry of Justice to develop and implement a National Human Rights Policy which takes into consideration concluding observations and recommendations by treaty bodies and other human rights mechanisms.
2. The Ministry of Justice to finalise the creation of the National Mechanism for Reporting, Implementation and Follow-up to support the State's reporting to human rights mechanisms and the implementation of recommendations by such bodies.
3. The Ministry of Gender, Children and Social Welfare to work collaboratively with the Gambia Federation of the Disabled to ensure the implementation of the Persons with Disabilities Act 2021 and address the issues and challenges faced by the persons with disabilities.

## NHRC Case/Complaints Register 2024



Breakdown of Complaints Received	
Complaints	Number
Protection from deprivation of property	10
Labour rights	9
Right to legal redress	9
Rights of children	6
Protection of Right to personal liberty	6
Protection from inhuman treatment or torture	3
Domestic violence	3
Right to education	2
Right to health	3
Protection from discrimination	3
Protection of the right to life	1

Overall, 55 cases were received/initiated by the NHRC during the period under review, and out of which 40 cases were completed/resolved and 15 are pending. Of these complaints, 42 were reported to the NHRC Secretariat, 9 to the NBR/LRR Regional Office and 4 to the URR/CRR Regional Office. 37 of the complainants were male and 18 complainants were female.

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### Challenges

Despite the gains registered during the reporting year in the promotion and protection of human rights in The Gambia, the Commission remains faced with several challenges. These include inadequate funding for its programmes and activities, limited in-house technical capacity to effectively support the Commission address emerging human rights issues such as business and human rights, Human Rights and Climate Change, lack of permanent infrastructure for the Head Office and Regional Offices, inadequate material resources to effectively support the operations of the NHRC. Additionally, the gender makeup of the complainants indicates a need for the Commission to urgently address the low reporting rate amongst women and children to ensure that they equally benefit from its services.

The collation of data for this Report has been challenging due to low response rates from institutions to the NHRC's request for information on human rights. While some institutions have not responded to the request, others have indicated that they do not possess the requested data.

## **Recommendations**

1. The Ministry of Lands, Regional Government and Religious Affairs to urgently facilitate the allocation of land to the NHRC to build a permanent office.
2. Development partners to support the Commission in enhancing its capacity on emerging human rights issues.
3. Stakeholders to provide relevant information on the status of human rights under their jurisdiction.
4. The State to implement previous recommendations from the State of Human Rights Reports- what has been implemented and what is still pending.

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**April 2024**