



National Human Rights Commission

Study on Climate Change and Human Rights in The Gambia



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List of Acronyms

CAT	Climate Action Tracker
CRR	Central River Region
CSO	Civil Society Organisation
DRR	Disaster Risk Reduction
EbA	Eco-System Based Adaptation
FAO	Food and Agriculture Organization
GAFSP	Gambia Agriculture and Food Security Project
GIRAV	The Gambia Inclusive and Resilient Agricultural Value Chain Development Project
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
IPCC	Intergovernmental Panel on Climate Change
LRR	Lower River Region
MDA	Ministries, Departments and Agencies
MECCNAR	Ministry of Environment Climate Change and Natural Resources
NaNA	National Nutrition Agency
NBR	North Bank Region
NDC	Nationally Determined Contribution
NDMA	National Disaster Management Agency
NHRC	National Human Rights Commission
RICAR	Rural Integrated Climate Adaptation and Resilience
ROOTS	Resilience of Organizations for Transformative Smallholder
UDHR	Universal Declaration of Human Rights
UNDROP	UN Declaration on the Rights of Peasants and Other People
UNFCCC	United Nations Framework Convention for Climate Change
URR	Upper River Region
WASIB	Water Supply in the Greater Banjul Area
WCR	West Coast Region

EXECUTIVE SUMMARY

The National Human Rights Commission (NHRC) 2025 Study on Climate Change and Human Rights in The Gambia is the first study that the NHRC undertook in this area. The study highlights the connection between climate change, climate adaptation, climate mitigation and human rights in The Gambia. While the study is not meant to provide a full picture of the data in terms of impacts of climate change on human rights in The Gambia, it provides a synopsis on the interaction between the phenomena and lives and livelihoods of people.

Using the Danish Institute for Human Rights' Climate Change and Human Rights Analytical Framework (Analytical Framework), the study employed a purposeful sampling method and desk research to gather and analyse data from the field and online sources. Data collectors interviewed 71 respondents across the country using Kobo Toolbox. The data was cleaned and developed into this report.

The Study found that while some policy efforts, such as the development of the Recovery-Focused National Development Plan

2023-2027, National Climate Change Policy 2016, Long Term Climate Strategy, and the National Land Policy 2026-2035 have been made, significant impacts of climate change on human rights continue to be experienced. Gaps in disaster risk reduction frameworks, non-justiciable constitutional protection of some economic, social, cultural, and environmental rights, poor participation and inclusion of rights holders in planning, mitigation, adaptation and other related intervention measures all continue to significantly affect human rights in The Gambia.

The Study found that climate change related measures have caused human rights harm/violations under the rights to health, food, social security, housing, participation, among others. While acknowledging the limitations of the Study, the findings reveal an urgent need for action to address some of these human rights challenges. The Study concludes by providing recommendations for stakeholders to take appropriate action.

PART 1: INTRODUCTION

Introduction

The Gambia, like many other countries in Africa, is vulnerable to climate change. In recent years, the impact of climate change has been felt through floods, drought, coastal erosion, and erratic rain patterns, with resultant consequences on human rights, national security, food security, the economy and pastoral land. The Gambia has an 80km Coastal zone of open coast, and the River Gambia runs through the length of the country, thus making it susceptible to the serious consequences of climate change. In 2022, the Intergovernmental Panel on Climate Change (IPCC) estimated that temperatures in West Africa may rise by 3–6 °C by the end of the 21st century, while sea levels are anticipated to increase by 0.26–0.55 m even under a low-emission scenario.¹

The Gambia's National Climate Change Policy 2016-2025 confirmed that since 1960, the country has experienced increasingly erratic rainfall patterns, higher intensity storms, intra-seasonal drought and increasing average air temperatures, accompanied by periodic cold spells and heat waves.² Sea level rise is predicted to be significantly higher level than the IPCC predictions of 0.13 m in 2025, 0.35 m in 2050, 0.72 m in 2075 and 1.23 m in 2100 (in comparison with 1995 levels).³ Wind and dust storms are also observed to be on the rise.

According to the recently validated 2025-2035 Climate Change Policy of The Gambia, analysis of historical meteorological data confirms that minimum temperatures have increased steadily since the 1950s at a rate of 0.4 to 0.67°C per decade. This rate of warming is faster than the global average of 0.20°C,⁴ leading to more frequent and intense heatwaves.⁵ Climate models project a further increase in the average annual temperature of 1.5°C to 3.0°C by the 2060s under medium to high emissions scenarios resulting in stress on agriculture, loss of critical water bodies, flash floodings, saline intrusion, poor yield and other negative impacts on lives of individuals.⁶ All these have consequences on human rights and as a result, the Climate Change Policy 2025 - 2035 recognises the obligation to ensure all climate actions are consistent with the constitutional right to a clean and healthy environment and to establish mechanisms like an Ombudsperson for Future Generations to protect intergenerational equity.⁷

The Gambia is ranked 106th out of 191 countries with the middle-ranged risk according to Climate-driven INFORM Risk

¹X Han & K Kirabaeva 'Climate Change Vulnerabilities and Strategies: The Gambia' (2024) <https://www.elibrary.imf.org/view/journals/018/2024/005/article-A001-en.xml>

² As above P 7.

³ As above.

⁴ <https://www.climate.gov/news-features/understanding-climate/climate-change-global-temperature> accessed 20 August 2025.

⁵ P 15.

⁶ P 16-18.

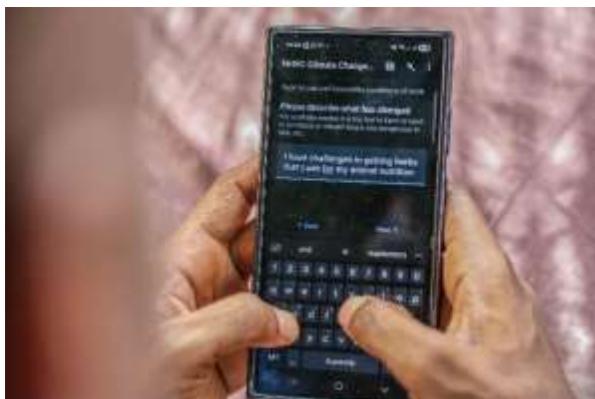
⁷ P 23.

Indicator 2022.⁸ Due to its geographical features, urban settlements such as Banjul, the Capital City, have existential threats of inundation and low-lying communities of Ibo Town, Tallinding, Faji Kunda, Nema, Kuntaur, and Basse all continue to face annual flooding as seasonal flash floods hit during the rainy season between June and October each year. Cattle and small ruminant farmers also face declining pasture as vegetation continues to be consumed by the effects of climate change. While the threat of inundation and the impacts of floods leave waterborne diseases in their wake, damage residential dwellings and contribute to loss of income, the loss of vegetation drives herdsmen to other regions/settlements in search of pasture which sometimes results in conflict and escalation of tensions between gardeners, herdsmen and other agriculturists. All these phenomena have potential impacts on security and human rights in The Gambia. While some policy efforts, such as the development of the Recovery-Focused

National Development Plan 2023-2027 and National Climate Change Policy 2016, have been made, the impact of climate change on human rights in The Gambia has not been adequately explored.

The National Human Rights Commission (NHRC) is mandated to promote and protect human rights in The Gambia. Under its Revised Strategic Plan 2021-2025, Strategic Objective 4 seeks 'To advance the realisation of Economic, Social, and Environmental Rights.' The activities under this Strategic Objective include engaging in climate justice initiatives in relation to human rights, organising comprehensive training for Commissioners and staff on climate change and environmental rights and conducting research on climate change and human rights. It is through this mandate that the NHRC, with Support from the Danish Institute for Human Rights, embarked on this Study to assess the impact of climate change on human rights in The Gambia.

Methodology



This Study uses the Analytical Framework combining the Right Holders' Assessment tool and the National Assessment tool developed

by the Danish Institute for Human Rights. These tools, which are complementary and designed to be used together, contain human rights indicators which help assess a state's compliance with its human rights obligations to respect, protect and fulfill human rights. The tools assist in examining States' commitments to the fulfilment of human rights in both laws and policies, implementation of initiatives to realize rights and the outcomes for rights-holders and their lived experiences. The Study provided evidence of human rights fulfillment or lack of it by referencing either the laws, policies, interventions or lived experiences of rights holders.

⁸

<https://climatedata.imf.org/datasets/7cae02f84ed547fbbd6210d90da19879/explore>.

The tools were adapted to The Gambia's context, and the questions were cloned on Kobo Toolbox to collect and analyse the data. Both substantive and procedural human rights were monitored. The substantive rights monitored are the rights to life, health, water, food, housing, work, social security, the right to a clean, healthy and sustainable environment, cultural rights, land rights for indigenous peoples and peasants, the right to peaceful assembly, liberty and security of person. The procedural rights monitored are the right to participation, information, Free Prior and Informed consent, and the right to remedy. To determine whether the State is living up to its key obligations in relation to these rights, in the context of climate change, the Study systematically monitored these obligations through structure, process and outcome indicators. Structure indicators look at the commitment to rights fulfilment in laws and policies, process indicators look at the implementation of initiatives to realize rights, and outcome indicators look at outcomes for rightsholders captured through their lived experience.

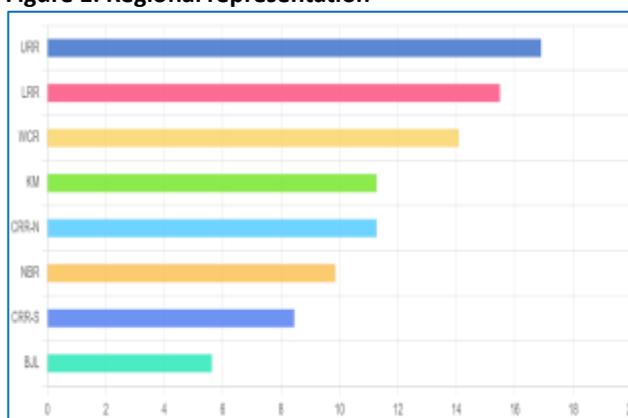
The Study relied on both primary and secondary sources of data.

Primary data

In order to capture specific experiences, individual interviews and site visits to selected climate risk areas were conducted. The NHRC used data from the National Disaster Management Agency to identify certain climate risk communities. Through this process, 25 communities were selected, and respondents were selected from each community to respond to the questionnaire. A total of 71 respondents from across the country were interviewed.

As seen in the graph below, 12 people representing 16.9% of the respondents were interviewed in Upper River Region (URR); 11 people or 15.49% in Lower River Region (LRR); 10 people or 14.08% in West Coast Region (WCR); 8 people or 11.27% in Kanifing Municipality; 8 people or 11.27% in Central River Region North (CRR-N); 6 people or 8.45% in Central River Region South (CRR-S); 7 people or 9.86% in North Bank Region (NBR); and 4 people or 5.63% in Banjul (BJL).

Figure 1: Regional representation



A representative of the Ministry of Environment, Climate Change and Natural Resources was also interviewed.

Secondary data

In addition to the interviews, the researchers conducted desk reviews to analyze climate change-related legal and policy documents as well as climate change-related initiatives taken by duty bearers. The literature review covered domestic legal and policy instruments, and other available national reports. The following domestic laws and policy documents were reviewed:

1. The 1997 Constitution of the Gambia
2. National Environment Management Act, 2009 and Regulations under the Act.

3. National Disaster Management Act, 2008.
4. The National Land Policy 2026-2035.
5. The Recovery-Focused National Development Plan 2023-2027.
6. National Climate Change Policy of The Gambia 2016-2025.
7. National Climate Change Policy of the Gambia 2025-2035.
8. Strategic Programme for Climate Resilience (SPCR) 2017.
9. The Gambia's Long-Term Climate-Neutral Development Strategy 2050.
10. The Nationally Determined Contributions (NDCs).

Climate mitigation, adaptation and resilience projects in The Gambia were also examined. For each indicator assessed, the Study used the traffic light system to signal the level of compliance with human rights obligations of the State. Under this system, GREEN represents “Full or High level” of human rights compliance with a particular human rights indicator; YELLOW represents “Some’ degree of compliance and RED Indicates ‘No Compliance’. The findings of the Traffic Lights System for the Indicators are annexed to the Study.

<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
--	--	---

Selected images and graphs are also incorporated in the Report to ease understanding of the key findings.

Limitations of the Study

This study is the first attempt by the NHRC to analyze the impact of climate change on human rights in The Gambia. Consequently, the Study has some limitations. One of its main challenges was inadequate financial resources. Thus, even though a greater part of the country suffers the adverse effects of climate change, a limited number of communities and respondents were reached and interviewed.

Further, being a technical subject area, it was difficult to accurately interpret or translate some of the terminologies of climate change in the local languages or have their equivalent terms or words. While the data collectors were trained on the Study tools, they grappled with this challenge during their interviews with the respondents. Consequently, some information may have been lost in interpretation and translation from English to local languages and then local languages to English in the collation of data.

PATT 2: CLIMATE CHANGE AND HUMAN RIGHTS



ANALYSIS OF THE DATA

General Human Rights Obligations in Climate Change

This part of the assessment looks at the compliance of climate change-related laws and policies with the general human rights obligations and what legislative, administrative, financial and other measures, including mobilisation of maximum available resources have been taken to achieve the full realization of rights. It also examines the existence and implementation of National Adaptation Plans and mitigation policies for targeted groups in vulnerable situations.

Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) put an obligation on States to undertake steps to allocate the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the ICESCR by all appropriate means, including particularly the adoption of legislative measures. It also guarantees the enjoyment of these rights without discrimination. Thus, a State Party's failure to prevent foreseeable harm to human rights caused by climate change, or to mobilize the maximum available resources to do so, could constitute a breach of these obligations.

Furthermore, Article 2(2) of the International Covenant on Civil and Political Rights (ICCPR) obligates States Parties to take the necessary steps, in accordance with their constitutional

processes, to adopt laws or other measures to give effect to the rights recognized in the Covenant. Article 2 of the African Charter on Human and Peoples' Rights (African Charter) obliges State Parties to recognize the rights, duties and freedoms enshrined in the Charter and to adopt legislative or other measures to give effect to them. These provisions lay the framework for States to ensure enjoyment of the protected rights.

All States have an obligation under the United Nations Framework Convention for Climate Change (UNFCCC) to undertake both mitigation and adaptation processes. However, in the case of mitigation, States are not equally responsible and therefore have different obligations.⁹ In the recent Advisory Opinion from the International Court of Justice (ICJ), it was emphasized that States have human rights obligations to prevent harm to rights from climate change such as adaptation and disaster prevention to protect rights.¹⁰ While the Gambia already experiences severe impacts of climate change, it is one of the countries that have contributed the least to global greenhouse gas emissions.¹¹

The Gambia Climate Change Policy 2016-2025 laid down several policy objectives including to:

- ✓ Put in place sound and equitable adaptation and mitigation measures that promote effective management of ecosystems and biodiversity, reduce vulnerability to climate change impacts, and reduce greenhouse gas emissions, to achieve sustainable low-carbon socio-economic development.

⁹ The principle of Common but Differentiated Responsibilities of States as provided for under the UNFCCC.

¹⁰ ICJ Advisory Opinion on Obligations of States in respect of Climate Change available at

<https://www.icj-cij.org/decisions> (accessed 5th August, 2025).

¹¹ The Gambia's Long Term Climate Strategy 2050 p 3.

- ✓ Build the resilience of communities and ensure health and welfare through participatory, equitable and pro-poor approaches to climate change that emphasise the meaningful inclusion of women and vulnerable groups.
- ✓ Integrate community-based adaptation with ecosystem-based approaches to strengthen people's adaptive capacities and develop more climate-resilient livelihoods, by investing in sustainable natural resource management initiatives.

The policy objectives mean that The Gambia will pursue climate risk management for pro-poor, equitable and inclusive growth, and that social development will be seen as an integral part of adaptation and mitigation.¹² The Policy identifies four strategic and integrated focal areas:

- ✓ Climate resilient food systems and landscapes: Agriculture, food security, forestry and natural resources, including water, biodiversity and wildlife
- ✓ Low emissions and resilient economy: Energy, transport, infrastructure, and the key economic sectors of tourism and financial services
- ✓ Climate resilient people: Health, education, equitable social development, and human settlements
- ✓ Managing coastlines in a changing environment: climate-aware Integrated Coastal Zone Management

The Gambia has also recently validated the country's National Climate Change Policy 2025-2035 which includes a National Action Plan on Climate Change. The Policy's specific objectives include:

- ✓ To significantly enhance the climate resilience of key socio-economic sectors and vulnerable communities by 2030.
- ✓ To reduce national greenhouse gas emissions by 49.7% below 2010 levels by 2030, in line with The Gambia's Nationally Determined Contributions (NDC).
- ✓ To ensure all climate actions are consistent with the constitutional right to a clean and healthy environment and the legal obligations clarified by the ICJ, and to establish mechanisms like an Ombudsperson for Future Generations to safeguard intergenerational equity.

CLIMATE TAG: MITIGATION

Structure Indicator: Existence of mitigation targets, policies and plans.

Process Indicator: Implementation of mitigation targets, policies and action.

The Gambia's first Nationally Determined Contribution (NDC) included conditional and unconditional targets, which were later built upon and updated in the country's second NDC (NDC 2), submitted in 2021. NDC2 outlines key mitigation undertakings in Agriculture, land use, energy, transport, waste management, and industrial processes and products. Mitigation measures outlined in The Gambia's second NDC estimates that GHG emissions in 2030 will be 3,327 GgCO₂e in The Gambia. This is a 49.7% reduction compared to the expected baseline level in 2030. It is therefore estimated that the mitigation measures will reduce the Gambia's GHG emissions by 3,290 GgCO₂e.¹³ While most of

¹² Climate Change Policy 2016.

¹³ Gambia's Second NDC P11.

the mitigation measures are conditional on financial support and technological transfer, two (strata agroforestry and solar home systems to supply off-grid consumptions) are unconditional measures that need to be implemented and are expected to decrease GHG emissions by 2.6% compared to the expected baseline by 2030.¹⁴

Overall, mitigation measures are expected to yield substantive reduction of emissions. The following sectoral projections from Gambia's Second NDC highlight the target reductions compared to the 2030 baseline:

- ✓ 81.3 percent reduction compared to the expected baseline level in 2030 in Agriculture,
- ✓ 45.6 percent compared to the expected baseline level in 2030 in Land use, land-use change, and forestry
- ✓ 45.4 percent decrease compared to the expected baseline level in 2030 in Industrial Processes and Product Use (IPPU).
- ✓ 32.7 percent reduction compared to the expected baseline level in 2030 in Energy: Energy Industries,
- ✓ 22.2 percent decrease compared to the expected baseline level in 2030 in Transport.
- ✓ 42.0 percent decrease compared to the expected baseline level in 2030 in waste management Solid Waste Disposal, Wastewater Treatment and Discharge.

The Climate Action Tracker (CAT) rates The Gambia's policies and actions as "1.5°C compatible" when compared to its fair-share contribution.¹⁵

¹⁴ As above.

¹⁵

<https://climateactiontracker.org/countries/gambia/>

Recommendations

- a. The Gambia through the Ministry of Petroleum and Energy should increase the use of solar and wind power for electricity generation.
- b. The Gambia should resource mobilise and secure financial resources to fund climate mitigation strategies including their conditional commitments under the NDCs.

CLIMATE TAG: ADAPTATION

Structure Indicator: Existence of adaptation plans based on a vulnerability assessment

Process Indicator: Implementation of initiatives and programmes for climate change adaptation targeted groups in vulnerable situations.

The Gambia is still working on the development of a National Adaptation Plan (NAP). During this process, it is important that it is based on vulnerability assessments to ensure human rights compliance.

Pending the development of the NAP, however, MECCNAR is supporting sectoral adaptation policy developments.¹⁶ This ensures that sectoral policies take into account climate adaptation initiatives. Several Government projects and initiatives on climate change adaptation are currently ongoing or have been implemented in recent years. The large-scale Eco-System Based Adaptation (EbA) was implemented between 2018 and 2023 with the aim of developing a climate resilient natural resource-based economy and build the climate resilience for Gambian communities and facilitate the

¹⁶ Interview with MECCNAR.

development of a sustainable green economy.¹⁷

The Rural Integrated Climate Adaptation and Resilience Building Project (RICAR) is being implemented to enhance adaptive capacity of rural populations in The Gambia through support to climate-resilient and diversified livelihoods.¹⁸ The target groups of RICAR are smallholder farmers and other vulnerable rural groups, who are already at risk from climate variability and change, with an emphasis on women and youth in CRR and URR.

Further, specific projects are being implemented to improve resilience. The Resilience of Organizations for Transformative Smallholder Agriculture Project (ROOTS) was launched on 9 February 2021 with the main objective of improving food security, nutrition and resilience of smallholder farmers to climate change in The Gambia.¹⁹ It is geared towards increasing agricultural productivity and access to markets for enhanced food security and nutrition and for the resilience of family farms and Farming Organizations. While these projects are commendable as they target vulnerable groups such as small holder farmers, rural farmers, women and youth, they have failed to adequately address the adaptation needs of the country as

- Many farmers lack the resources and training for modern, climate-smart agriculture, which limits overall adaptation capacity.
- Climate impacts such as increased temperatures and erratic rainfall negatively affect food security by

increasing post-harvest losses and degrading food quality.

- Damaged roads from erosion make it harder for women and children to access essential services like healthcare and school, as seen in rural areas.
- Mismatch between community priorities and government actions continues to occur.

CLIMATE TAG: INTEGRATION OF CLIMATE CHANGE IN NATIONAL DEVELOPMENT STRATEGIES AND PLANS

Structure Indicator: Existence of a *national development plan* which integrates the impacts and risks of climate change for groups in vulnerable situations.

One of the Strategic Objectives of The Recovery-Focused National Development Plan 2023-2027 is to build household and community resilience to address shocks and crises arising from climate change, economic volatility and to counter the effects of pandemics like the COVID-19. However, the Plan does not adequately address impacts and risks of climate change for groups in vulnerable situations as it takes a generalist approach and does not include any consideration of specific rightsholder groups and their needs, it therefore does not adequately address impacts and risks of climate change for groups in vulnerable situations.

The Gambia finances climate adaptation and mitigation through a combination of international grants and loans, national

¹⁷ <https://meccnar.gov.gm/eba-project>

¹⁸ <https://www.adaptation-fund.org/project/rural-integrated-climate-adaptation-and-resilience-building-project-ricar-2/>

¹⁹ <https://rootsproject.gm/>

budget allocation, and efforts to attract private sector investment. Key steps include securing grants from international partners like the World Bank, French Development Agency, and Green Climate Fund for projects such as coastal management and solar power. For example, The Gambia has received significant grants for specific projects, such as a USD 45 million World Bank grant for coastal area management and a USD 27 million grant from the World Bank and the European Investment Bank for a solar plant.²⁰ The NDCs of The Gambia however, place financial assistance conditionalities in many of the targets.

Recommendations:

- a. The Ministry of Environment Climate Change and Natural Resources should fast-track the development of the National Climate Change Adaptation Plan that consolidates all adaptation policy efforts from other ministries and agencies.
- b. The Ministry of Environment Climate Change and Natural Resources should ensure that the National Adaptation Plan adopts a rights-based approach including meaningful participation approaches, and targeted measures for different vulnerable rightsholder groups.
- c. MECCNAR should improve domestic resource mobilization to complement foreign contributions in climate financing.

²⁰ See <https://www.iiied.org/sites/default/files/pdfs/migrat e/17224IIED.pdf>

²¹ WFD The Gambia 'Environmental Democracy: Towards National Climate Change Legislation' p 4.

Substantive Human Rights Obligations

The Gambia does not have a single overarching specific law on climate change but continues to rely on generic provisions in other laws and policies.²¹ The 1997 Constitution of The Gambia (the Constitution) protects a series of fundamental human rights, including the rights to life, liberty and security of the person, non-discrimination, property, fair trial and access to justice, and other rights. However, socio-economic rights such as the right to food, water, clean environment and related rights remain unavailable or non-justiciable under the Constitution. The absence or non-justiciability of these rights in the 1997 Constitution does not take away the obligation of the State to fulfill its obligations under other regional and international human rights instruments it has ratified. In fact, the African Commission on Human and Peoples' Rights has maintained that 'despite the obligation to progressively realise economic, social and cultural rights, some of the obligations imposed on States Parties to the African Charter are immediate upon ratification of the Charter.'²² These obligations include the obligation to take steps, the prohibition of retrogressive steps, minimum core obligations and the obligation to prevent discrimination in the enjoyment of economic, social and cultural rights.²³ This highlights the need for The Gambia as a State Party to immediately meet these requirements. Other human rights legislation such as the Women's Act 2010, the Children's Act 2005 and the Persons with Disabilities Act 2021, like

²² ACHPR 'Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights' p 13.

²³ As above.

the 1997 Constitution, do not explicitly protect most of the socio-economic rights. This is significant in the context of climate change whose impacts undermine fundamental rights that are protected by economic, social and cultural rights such as sufficient food, adequate housing, health services, social security, education and cultural expression.

Disaster Risk Reduction and the Right to Life

Structural Indicator: Existence of a national disaster risk reduction strategy in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 (SDG indicators 1.5.3., 11.b.1 and 13.1.2.)

Process Indicator: Implementation of initiatives and programmes to address climate disaster-related risks and impacts for groups in vulnerable situations

Outcome Indicators:

- **Equal access to initiatives and programmes for disaster risk reduction**
- **Number of deaths, missing and directly affected persons attributed to climate-related disasters per 100,000 population (SDG Indicator 1.5.1. and 11.5.1 and 13.1.1)**

The right to life has universal recognition and is protected under the 1997 Constitution of The Gambia. This right is mostly respected as penal laws prohibit murder and extra-judicial killings in The Gambia. However, given the interrelated nature of human rights, violation of other rights could lead to eventual harm on the right to life. Environmental degradation, climate change and unsustainable development constitute some of the most

pressing and serious threats to the ability of present and future generations to enjoy the right to life.²⁴ As per Human Rights Committee's General Comment 36 and given The Gambia's commitments in several treaties, the country should also develop, when necessary, contingency plans and disaster management plans designed to increase preparedness and address natural and man-made disasters that may adversely affect enjoyment of the right to life.²⁵ Failure of The Gambia to take preventative measures to protect life could therefore lead to violation of this right.

In relation to Disaster Risk Reduction and the right to life, the Study looked at the existence of national Disaster Risk Reduction strategies and their alignment with international standards, the implementation of initiatives to address climate disaster-related risks and how they consider groups in vulnerable situations, the impacts of climate related-disasters on rightsholders, and the experiences of rightsholders in accessing disaster risk reduction initiatives. The Gambia's most recent Disaster Risk Reduction (DRR) plan is the National Disaster Risk Management Policy 2024-2033, validated and approved in 2024 after a 12-year gap. It provides a framework for disaster prevention, preparedness, response, and recovery. It aligns with the Sendai Framework for Disaster Risk Reduction and aims to build community resilience to hazards like floods, droughts, and climate-related events by integrating DRR into development.

Between 2014 and 2017, two Ministries accounted for 96.8% of significant marked DRR budget: the Ministry of Health and Social Welfare (66.1%) and the Ministry of

²⁴ HRC General Comment 36 Para 62.

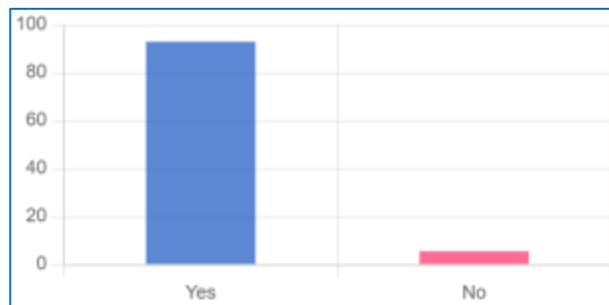
²⁵ As above para 26.

Agriculture (30.7%). The other Ministries accounted for less than 2.2% – Ministry of Transport, Works and Infrastructure, Ministry of Forestry, Environment, Climate Change and Natural Resources and Ministry of the Interior.²⁶ Public initiatives that address risks to groups in climate vulnerable situations include the Large-Scale Ecosystem-Based Adaptation Project (EbA) which targets 46,200 households in four regions (LRR, CRR, URR), with a strong focus on women and youth. It promotes sustainable, income-generating natural resource-based enterprises (e.g., beekeeping, cashew cultivation) that provide alternatives to tree cutting, thus reducing environmental degradation while improving livelihoods. The Rural Integrated Climate Adaptation and Resilience Building Project (RICAR) implemented by MECCNAR and World Food Programme (WFP) targets rural communities with high poverty and vulnerability to climate shocks, specifically women and youth. It aims at enhances adaptive capacity through climate-resilient farming techniques, crop diversification, early warning systems, and improved access to financial services and insurance. These and other social protection schemes provide some initiatives to address risks to vulnerable groups but these initiatives are largely inadequate to address all the challenges.

As seen from the community field data, there remain some gaps. Following scanning of the literature and secondary data, results suggested a lot of instances of climate change-related human rights harm. In August 2025, it was reported that 8 people had died from floods; 251 people were displaced and 10,712

people were affected.²⁷ The field data confirmed suggestions that the communities visited were prone to one form of climate change related phenomena or another. As shown in Figure 2, sixty-six respondents representing 92.96% of the respondents for the rights holders’ assessment indicated that in the last five years they have experienced climate-induced disasters and events such as heavy rainfall and/or floods, storms, rising water levels, drought, wildfires. Only 4 respondents representing 7% of the respondents indicated otherwise. This suggests widespread and probable disaster experience in The Gambia.

Figure 2. Respondents’ experience of disasters due to climate-related events.



As shown in Figure 3, 43 respondents (60.5%) indicated that no one lost their lives, went missing or was directly affected by climate-related disasters in the last year. Sixteen respondents (22.5%) indicated that someone was directly affected (suffered injury, illness, was evacuated, displaced, suffered damage), and 12 respondents (16.9%) indicated there was a loss of life, while one person was reported missing.

²⁶ UNDRR Country Reports on Public Investment Planning for Disaster Risk Reduction: The Gambia Risk-Sensitive Budget Review p 15 <https://www.preventionweb.net/media/46961/download?startDownload=20250923>

²⁷ ICRC The Gambia Floods 2025 <https://go.ifrc.org/field-reports/17887> accessed 15 September 2025.

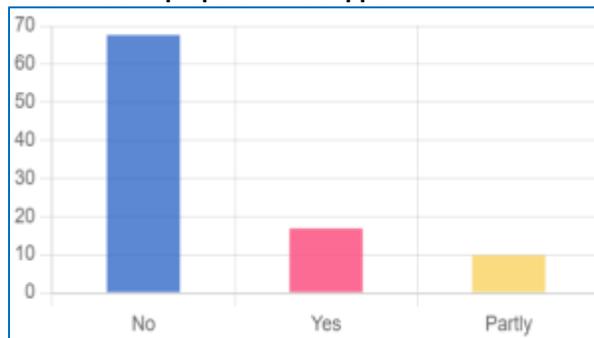
²⁷ ICRC The Gambia Floods 2025 <https://go.ifrc.org/field-reports/17887> accessed 15 November 2025.

Figure 3. Loss of lives, missing persons, etc.



Despite this prevalence, as shown in Figure 4, 67.6% of the respondents indicated that they never received early warning or disaster preparedness support to mitigate any potential impact of the disasters, thus exposing rights holders to heightened risks. As earlier indicated, failure of the State to put in place adequate measures such as early warning and disaster responses may result in violation of the right to life.

Figure 4. Respondents receive early warning and/or other disaster preparedness support



The situation is further exacerbated by the low level of post-disaster emergency support from authorities as 73% of respondents, as shown in Figure 5, indicated that they did not receive

emergency support. It is also indicated that even the limited support that is distributed does not reach and benefit all groups within the communities as 70% respondents stated that the support did not equally benefit all groups.

Figure 5. Receipt of emergency support after disaster.

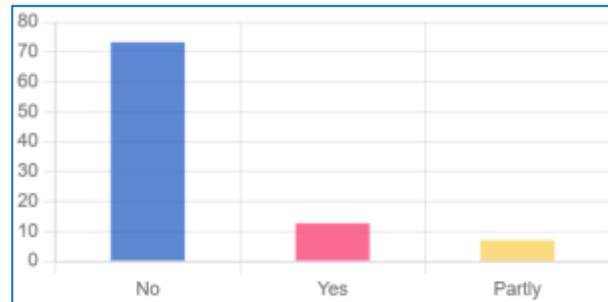
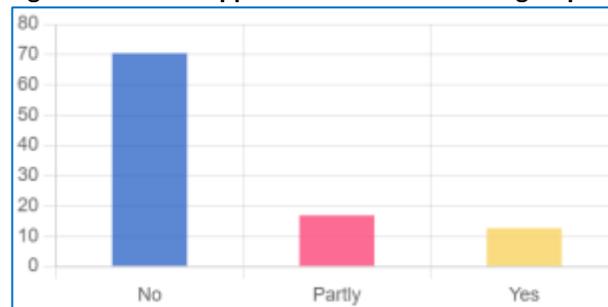


Figure 6. Did the support reach and benefit all groups?



Speaking on the need to inform the public about incoming climate related dangers, one respondent observed that ‘there has never been any early warning which most of the fishermen found risky as the go out in the river to fish without knowing the effects or the possibility of storms. They often lose their lives and fishing materials.’

Testimonies from respondents are corroborated by tragic events that are common during flashfloods in The Gambia. For example, at the start of the rainy season in June 2025, a child in Bundung, KM was washed

away by floods and found drowned in Bundung Farokono.²⁸

Thus, in theory, climate disaster preparedness is incorporated in law and policy, but implementation of these measures remains low as seen from the responses.

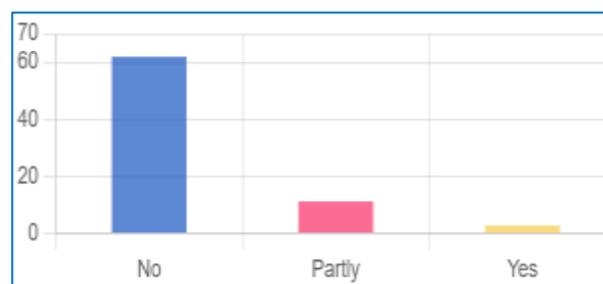
From the above, it could be discerned that rightsholders are directly affected by climate-related disasters but there is no equal access to disaster risk reduction initiatives and programmes, indicating lack of human rights compliance. Therefore, affected communities must be central to decision-making, including active participation in designing preparedness plans and training and availing them of information in their local languages. Government should also dedicate specific funding for disaster risk reduction (DRR) to national budgets.

Respondents explained their different experiences with disaster support. One respondent from Kerewan, LRR stated that “my roof was once blown off by the wind, but I did not receive any early warning preparedness support”.

Another Respondent from Suwareh Kunda, NBR stated that ‘the benefit reached some people in the community based on the fact that they have low income and are struggling with some of their needs. But I was not lucky to be part of the support’.

For respondents who confirmed that they suffered harm caused by climate change, as shown in Figure 7, only 2% indicated that they received restitution and compensation for the harm suffered.

Figure 7. receipt of restitution and compensation



One respondent stated that ‘Ministry of forestry brought us so many seedlings and we planted a lot of trees to mitigate deforestation. They help us set up Committees who will be looking after the forest with strict measures.’

RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to the highest attainable standard of health

Process Indicator: Implementation of initiatives and programmes to ensure the highest attainable standards of health in the context of climate change

Outcome Indicator: Prevalence of disease or health disorders with a possible link to changing climate conditions

Under this right, the Study considered whether The Gambia’s climate change-related laws and policies address foreseeable harms to the right to the highest attainable standard of health, existence of initiatives to ensure this right in the context of climate change, and the

²⁸ A Jadama ‘Bundung boy washed away by floods found drowned at Tipper Garage’ *The Standard Newspaper* 30 June 2025 available at

<https://standard.gm/bundung-boy-washed-away-by-floods-found-drowned-at-tipper-garage/> (accessed 12 August 2025).

prevalence of disease or health disorders in the Gambia with a possible link to climate change. The Gambia does not have a justiciable right to health under its Constitution. However, in Africa, the African Charter on Human and Peoples' Rights explicitly guarantees the right to health under Article 16. The African Commission on Human and Peoples' Rights (the Commission) in *Purohit and Moore v. The Gambia* underscored that States must take concrete steps to protect public health, which by extension imposes obligations to address foreseeable climate-related health risks.²⁹ The Commission has also stated that one of the minimum core obligations of States Parties under the right to health includes taking measures to prevent, treat and control epidemic and endemic diseases. It also requires States Parties to adopt and implement a comprehensive national public health strategy and plan of action.³⁰

Furthermore, the African Commission Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (African Commission Guidelines) indicate that all rights recognised in the African Charter must be made effective under national legal systems. Violation of economic, social and cultural rights protected under the African Charter must entitle affected individuals and peoples to effective remedies and redress under domestic law. A rigid classification of economic, social and cultural rights which put them, by definition, beyond the reach of the courts would be incompatible with the principle that human rights are indivisible and interdependent. International remedies are

ultimately only supplementary to effective national remedies.³¹

Climate change can negatively impact the realisation of the right to the highest attainable standard of physical and mental health through direct and indirect ways. For example, storms, droughts, floods, and heat waves may directly harm people and damage health infrastructure. Changes in the climate may also bring new diseases or increase wildfires leading to air pollution.

One of the Guiding Principles of The National Health Policy 2021-2030 is 'Climate Change Resilience: Address climate change related health problems and encourage intra-government and other partnerships on climate change resilience.'³² This Policy also aims to reduce the effects of key environmental determinants, including climate change impacts.³³ Under the conceptual framework, the policy aims at strengthening capacity for climate change early warning, risk reduction and management of national and global health risks. However, there is no consideration of climate change impact on availability, accessibility, and acceptability of services in either the health policy or other legal and policy documents.

In terms of implementation of initiatives and programmes to ensure the highest attainable standard of health in the context of climate change, sector specific initiatives such as Water, Sanitation and Hygiene, EBA, Climate-resilient Banjul: Enhancing Urban Resilience in the Greater Banjul Area (CLIMB) are examples of initiatives explored to strengthen health infrastructure to handle climate-induced water stress and waterborne diseases,

²⁹ *Purohit and Moore v. The Gambia* (2003) AHRLR 96 (ACHPR 2003).

³⁰ ACHPR Principles and Guidelines P 24

³¹ Para 21.

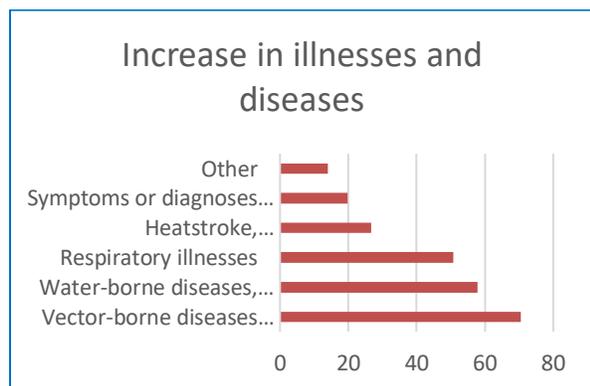
³² National Health Policy 2021-2030 p 15.

³³ As above p 27.

strengthening early warning systems, protecting wetlands, and building resilience to climate impacts like flooding and disease. In assessing the state of health in the communities visited, respondents were asked whether some forms of illnesses that have been connected to climate change impacts have become more prevalent in the last five years. The following responses were received, indicating significant negative changes.

Through the rights holder’s assessment, Figure 8 shows that 50 respondents (70.42%) indicated that vector-borne diseases (e.g dengue, malaria, chikungunya, yellow fever, Zika, etc.) have become more prevalent in the last five years. Forty-One respondents (57.75%) indicated that water-borne diseases, such as cholera, typhoid fever and dysentery are becoming more frequent. Thirty-Six respondents (50.7%) identified respiratory illnesses as becoming more frequent within the same period. Other types of illnesses were also mentioned. Nineteen respondents (26.76%) indicated a rise in heatstroke, hyperthermia and other heat-related disorders; while 14 respondents (19.72%) stated that symptoms or diagnoses of stress, depression and other mental health issues linked to climate change and climate-induced hazards have been common.

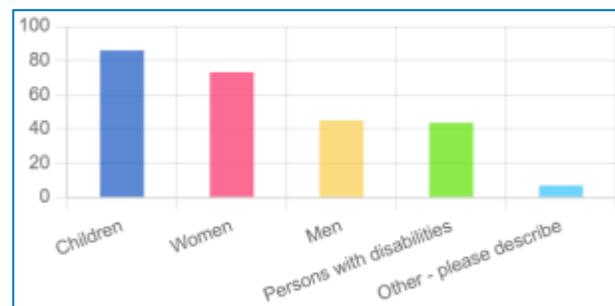
Figure 8. Illness and disease increase in last 5 years.



A closer look at the responses highlights some key sources or causes of illnesses. One respondent indicated that ‘diarrhea and malaria are the most diagnosed illnesses among children’ in their community. Another respondent associated the prevalence of skin rashes with water-borne infections.

In terms of victims of these diseases, Figure 9 shows that children and women were the most cited with 85.9% of the respondents indicating that children are particularly affected or vulnerable to these diseases while 73.24% agreed that women are also severely affected. Other groups that came out strongly as affected include men 45% and Persons with Disabilities 43.66% of respondents identifying these two groups respectively.

Figure 9. Vulnerability to these diseases



In general, the data shows that legal and policy gaps under this right exist as there is no constitutional protection of this right. The National Health Policy includes principles and priorities on health-related risks of climate change. Initiatives such as those under the CLIMB Project, WASH and EBA explore means of enhancing, sanitation, water and eco-based adaptation. The rights holder’s assessment also indicates significant negative change in terms of climate change-related illnesses with children and women being the most vulnerable. The Gambia should fulfill its obligation to provide for domestic protection

of the right to the highest attainable standard of physical and mental health. The Ministry of Health, in collaboration with the NDMA should develop strategies to ensure reduction of the illnesses highlighted by the rights holders' assessment. Further, the CLIMB and WASH initiatives should be thoroughly implemented to minimize the impacts of climate change on health and wellbeing in the Gambia.

RIGHT TO WATER

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harm to the right to water.

Process Indicator: Implementation of initiatives and programmes to ensure the accessibility, quality, and affordability of safe and clean drinking water.

Outcome Indicator: Enjoyment of the right to water in the context of climate change

Under this right, the Study examined the existence or not of climate change-related laws and policies that address foreseeable harms to the right to water, the implementation of climate initiatives that meet the element of the right to water, and the experience of rightsholders in the enjoyment of this right. Climate change can impact the right to water in different ways resulting in water scarcity or deteriorating water quality. These issues are significant in The Gambia because water is used not only for drinking, but also for hygiene, agriculture, and economic activities. Access to clean, safe drinking water reduces waterborne diseases and stomach pains. Water is critical for irrigation and other agricultural activities,

livestock rearing, and market gardens, which are central to the country's economy; the fisheries sector, which contributes towards feeding of the nation is also dependent on water.

In The Gambia, the right to water is not protected under the 1997 Constitution or any other law. The absence of such protection makes it difficult to put the State to task on provision of water while relying on domestic law. While the African Charter does not directly protect the right to water and sanitation, it is implied in the protections of a number of rights, including the rights to life, dignity, work, food, health, economic, social and cultural development and to a satisfactory environment.³⁴ The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal, domestic, and agricultural uses. The human right to water has been recognized by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), as an integral part of right to an adequate standard of living, protected under, inter alia, article 25 of UDHR, and article 11 of ICESCR.

Strategic Area 4 of the National Water Resources Assessment and Management Strategy 2015 include climate change implications and ecosystems. However, it does not adequately address impacts on water access for different groups nor reflect human rights standards.

In terms of interventions, Gambia's irrigation focuses on improving rice cultivation and vegetable farming through methods like tidal irrigation, groundwater systems (rehabilitating wells and boreholes), and promoting drip

³⁴ ACHPR Guidelines para 87.

irrigation for gardens, often enhanced with innovative solar-powered pumps. Key initiatives include the ROOTS Project, which is investing in dykes and micro-catchment systems, and the GIRAV project, funding infrastructure upgrades for smallholders. The goal is to boost food security, enhance farmers' income, and increase resilience to climate change impacts like droughts. This project specifically aims at increasing the productivity and competitiveness of producers and SMEs, as well as their resilience to climate change, by expanding access to climate-smart technologies, inputs, and services.

Further, in May 2025, The Gambia launched the Water Supply Project in the Greater Banjul Area, known as WASIB with the aim of improving water supply within the Greater Banjul Area.³⁵ While the main objective of the WASIB project is to improve water supply in Greater Banjul, its approach to climate change is structured around climate mitigation, adaptation and risk assessment.³⁶ In terms of mitigation, the Project aims to reduce greenhouse gas emissions primarily by improving the efficiency of water production and distribution systems while addressing the vulnerability of the Greater Banjul Area's water supply to climate-induced risks such as saline intrusion, reduced aquifer recharge, and increased rainfall variability.³⁷

These interventions are geared towards targeted support for small holder farmers (ROOTS), women, youth and Small and Medium Enterprises (GIRAV) and urban water

³⁵ <https://www.op.gov.gm/launching-water-supply-project-greater-banjul-area-wasib-launching-statement-his-excellency-adama>

³⁶ European Investment Bank 'Environmental and Social Data Sheet; WASIB' P 3.

³⁷ As above.

³⁸ UNICEF 'Water, sanitation and hygiene Every child has the right to clean water and basic

supply (WASIB). Despite these interventions, significant challenges remain as respondents pointed towards water shortage, while others do not have access to state-run water supplies. While some sources estimate that 90 per cent of households have access to safe drinking water and 60 per cent of the population has access to improved sanitation, 73 percent of households are at risk of *Escherichia coli* fecal contamination, indicating poor water quality in The Gambia.³⁸

In contrast to the literature findings which estimate high access to water, the field data suggests that access to quality, safe and potable water remains a challenge. In the communities visited, Figure 10 shows that 77% of respondents had experienced water shortage or poor water quality in the last 5 years. Over half of the respondents identified that this was due to a lack of water resources.

Figure 10. Experience of water shortage or poor water quality in the last 5 years



The reasons for the lack of water or the poor quality of water were associated with the following climate-related conditions as shown in Figure 11:

sanitation facilities' available at <https://www.unicef.org/gambia/water-sanitation-and-hygiene#:~:text=The%20challenge,sanitation%2C%20and%20hygiene%20for%20all> accessed 20 November 2025.

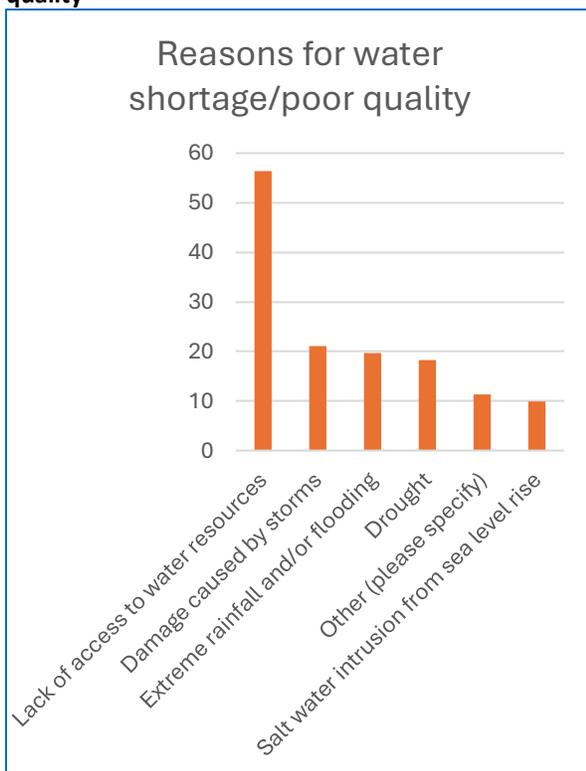
- ✓ 56.34% of the respondents indicated that it is lack of access to water resources
- ✓ 21.13% of the respondents attributed the shortage to damage of water infrastructure caused by storms
- ✓ 19.72% of the respondents attributed damage to water infrastructure to extreme rainfall and/or flooding
- ✓ 18.31% of the respondents cited Drought
- ✓ 9.86% of the respondents associated it with saltwater intrusion from sea level rises.
- ✓ Another 11.27% of the respondents associated the shortage or poor quality to factors such as failure or inconsistency of the National Water and Electricity Company (NAWEC), change in rainfall patterns, expensive utility bills, damage of water supply due to storms, deforestation, etc.

One respondent stated that ‘The water source that the community depends on is a borehole with a tank attached. About Two or three years ago windstorm damaged the tank down. For a year after the incident, the community struggled with water scarcity.’

Explaining the impact of salination on water sources, one respondent highlighted that ‘The previous water source was close to the river and when the water became salty, we shifted to another place. However, windstorms also damaged the solar panel that controls the energy supply to that well.’

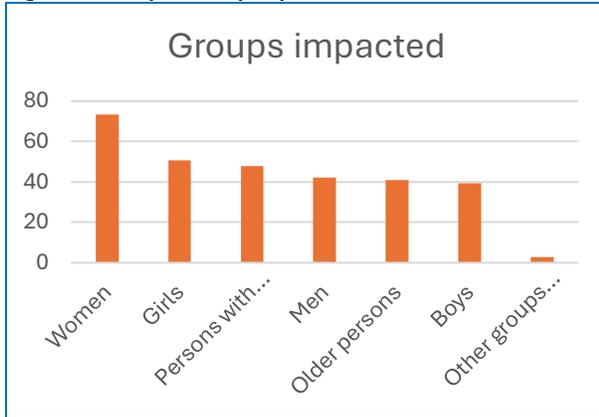
A respondent from Sankandi, LRR stated that ‘The whole community benefits from one water source (borehole) and as a result of windstorm the facility had an issue in the past and led the community to water crises. Additionally, whenever there is change in the weather, we do not get enough water since the source of energy is from sunlight (solar panel)’.

Figure 11. Reasons for water shortage or poor water quality



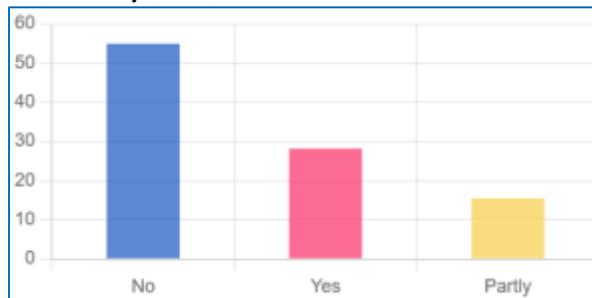
In terms of vulnerability to the impact of water shortages and poor water quality, women, girls and PWDs were identified as disproportionately affected. Figure 12 shows that 73.24% of the respondents indicated that women are affected; 50.7% indicated that girls are affected while 47.89% highlighted PWDs as disproportionately affected. We also saw older persons being mentioned as disproportionately affected with 40.85% of the respondents confirming this. The fact that men and boys were also listed as disproportionately affected points towards the global impact of lack of water on the human rights of everyone.

Figure 12. Impact on people in the communities



Despite the above prevalence, as shown in Figure 13, 55% of respondents had not benefited from public initiatives to ensure accessible, quality and affordable safe and clean drinking water.

Figure 13. Benefit from public initiatives and programmes to ensure accessibility, quality, and affordability of water



The right to water is not specifically protected in the 1997 Constitution despite existing obligations at the regional and international levels. Water related policies include climate change implications, and interventions such as GIRAV, ROOTS and WASIB support improving access to water. However, these interventions do not adequately address climate risks to water, and access for different groups. Thus, despite these interventions, there remain some gaps as rights holders indicate severe shortage due to droughts, low sunlight, floods, damage caused by severe storms and other climate related phenomena. Beyond climate

change, fecal contamination has also come out as a strong factor hindering access to clean water.

Consequently, and in line with international and regional obligations, The Gambia should recognise and guarantee the right to water and ensure that interventions are put in place to improve accessibility to water by;

- a. Legislating the right to water into binding and domestically enforceable human right.
- b. Expanding solar-powered water infrastructure in rural/riverine areas to minimise use of contaminated water.
- c. Construct climate-resilient water infrastructure that can withstand extreme weather events and increased flooding.
- d. Adopt an Integrated Water Resources Management (IWRM) approach that includes climate change adaptation.

RIGHT TO ADEQUATE FOOD

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to food.

Process Indicator: Implementation of initiatives and programmes to ensure adequacy and sustainability of food availability and access in the context of climate change.

Outcome Indicator: Enjoyment of the right to adequate food in the context of climate change.

Climate change poses severe threats to food security by disrupting agricultural productivity, reducing crop yields, and exacerbating hunger. Article 11 of the ICESCR recognises “the right of everyone to an adequate standard of living

including adequate food.” The UN Committee on Economic, Social and Cultural Rights in General Comment No. 12 clarified that States must respect, protect, and fulfil the right to adequate food, which extends to ensuring resilience against environmental and climate-related threats.³⁹

While the 1997 Constitution does not protect the right to food, it remains an obligation of the State to respect, protect and fulfil this right under international law. The country depends largely on rainfed smallholder agriculture for food security - the main pillar of the economy - which leaves The Gambia highly vulnerable to drought and changes in annual rainfall patterns.⁴⁰ In fact, it is estimated that approximately 70% of the rural population is directly dependent on rain-fed agriculture.

Under the Directive Principles of State Policy in Chapter XX of the 1997 Constitution, the State shall endeavour to facilitate equal access to sufficient food and security for all persons. While this provision does not confer legal rights, it is intended to guide The Gambia’s law and policy formulation, decision making as well as courts’ interpretation of the law.⁴¹ The Women’s Act 2010 provides for the right to nutritious and adequate food for every woman.⁴² This law enjoins on the State to take measures to establish adequate systems of supply and storage to ensure food security. In 2023, the NHRC noted that that the prevalence of food insecurity was higher in female-headed households compared to male-headed households.⁴³ The Children’s Act

2005 does not contain explicit provisions on the right to food. However, under Section 6 of the Children’s Act, the right to survival and development is protected and Section 21(1)(c) makes it an obligation on a parent, guardian or anyone who has the custody of a child to provide that child ‘adequate diet’. It should be noted that the provision of nutrition and adequate food to children is key to the survival and development of a child.

One of the programme priorities of the National Development Plan 2023-2027 is to promote food and nutritious security, environmental sustainability and disaster risk reduction, build resilience and minimise the adverse effects of climate change. Under this pillar, the Government will build upon existing initiatives and scale up its interventions at both household and community levels to mitigate the impact on the poor and vulnerable citizens.

The Agricultural and Natural Resource Policy 2017-2026 aims at pursuing the overarching objective of ‘maximization of poverty reduction and enhancement of food, income and nutrition securities through the optimal utilization of the resources of the sector consistent with safeguarding the integrity of the environment.’⁴⁴ The Policy seeks to reduce vulnerability to climate change impacts by using climate change adaptation and mitigation mechanisms to contribute towards poverty reduction and building long-term resilience to climate-related hazards.

³⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 12, UN Doc. E/C.12/1999/5 (1999) accessed at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec1219995-general-comment-no-12-right-adequate-food> 24th August, 2025.

⁴⁰ NDC P 6.

⁴¹ NHRC ‘Advisory Note on the right to food’ 2023 p 22.

⁴² S 48 Women’s Act 2010.

⁴³ NHRC Advisory Note on the Right to Food p 26.

⁴⁴ ANR Policy 2016-2026 p 15.

While not a climate-related policy, the Education Policy 2016-2030 does contain one of the key national initiatives facilitating access to food to young people. The School Feeding Programme initiative aims to ensure that school going children in public schools have affordable nutritious school meals, promote a sustainable school feeding programme, improve nutrition and health, and encourage participation in the process of developing a nationally owned school feeding programme.⁴⁵ Despite these policies, and as seen from the field data below, there are still challenges in realising the right to food as implementation of policy measures remain low.

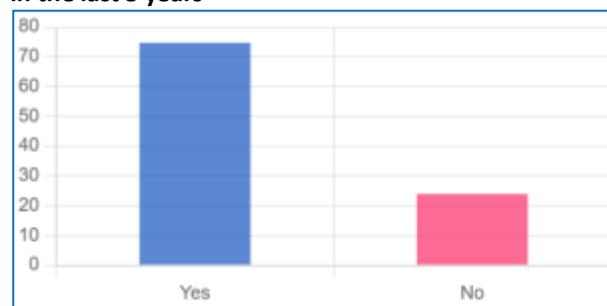
The Sarro Rice Initiative, launched in 2023, aims at stabilising domestic rice prices and making affordable, high-quality rice available to Gambians, improving food security and reducing household financial burdens. The Food and Agriculture Organization (FAO) supports the Hand-in-Hand Initiative to eradicate poverty and hunger by transforming agri-food systems, with current projects that include the development of a sustainable groundnut seed system and climate-resilient fishery initiatives.

As The Gambia continues to heavily rely on rainfed subsistence agriculture, the erratic rain patterns and associated climate challenges such as floods, droughts and windstorms continue to hinder food adequacy and eventually security.⁴⁶ The Gambia Agriculture and Food Security Project (GAFSP) seek to increase food and nutritional security, as well as household income, particularly for the

vulnerable households in five administrative regions namely Central River Region (CRR North and South), Lower River Region (LRR), Upper River Region (URR), North Bank Region (NBR) and the West Coast Region (WCR) of the Gambia. This will be achieved by increasing climate-resilient food production, post-harvest management, market access and resilience for identified nutrient-rich food chains. The project targets the most vulnerable in The Gambia and acts as a social protection mechanism to promote food and nutrition security in the project areas.⁴⁷ Four criteria were employed to select regions: poverty level; malnutrition status of children under five (6-59 months); level of food insecurity and agricultural production highlighting the projects leaning towards these vulnerable categories.⁴⁸ Given the limited reach of the projects, they remain largely inadequate.

As shown in Figure 14, majority of the respondents (74.65%) in the communities visited indicated that they have experienced food shortage, low yield, and limited availability of and accessibility to food within the last five years.

Figure 14. Experience of food shortage or other issues related to availability, quality and accessibility of food in the last 5 years



⁴⁵ NHRC Advisory Note on the Right to Food 2023 p 27.

⁴⁶ Action Aid The Gambia ‘Climate Change and Food Security’ <https://gambia.actionaid.org/climate-change-and-food-security#:~:text=The%20adoption%20of%20Climat>

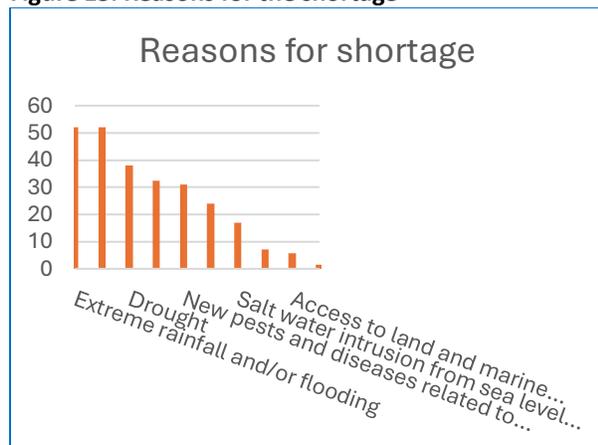
[e%2DResilient,farmers%20including%20the%20women%20farmers](https://www.resilientfarmers.org/). Accessed 10 December 2025.

⁴⁷ Central Projects Coordinating Unit, Government of The Gambia <http://www.cpcu.gm/about-gafsp>. Accessed 10 December 2025.

⁴⁸ As above.

Respondents associated the lack of/ or poor quality, accessibility and affordability to extreme rainfall/flooding, reduction in yield, drought, damage caused by storms, new pests and diseases related to changes in climate, extreme temperatures, saltwater intrusion, reduction of fishery stocks among others as shown in Figure 15. This highlights the prevalence of food-related challenges within the communities.

Figure 15. Reasons for the shortage



The communities in which the rights holder’s data was collected include crop farming communities, fishing communities as well as animal rearing communities. Several observations were made by the respondents regarding the reasons for shortages of food.



Isatou Touray, smallholder farmer in Sankandi, LRR

One respondent indicated that ‘flood has caused a lot of losses to our food, especially the ones we store for future use.’ One respondent from the farming community of Sankandi lamented the proneness of their rice fields to salt intrusion and salination as a result of rising sea waters and up flow of salt water upstream the River Gambia. Data from the Ministry of Fisheries and Water Resources shows that salinity now reaches over 150 km upstream during the dry season, threatening freshwater intakes and devastating rice cultivation in regions like the Central River Region.⁴⁹ This results in low yields and poor harvests. Furthermore, in 2024, heavy rains damaged a dyke that was built around the Sankandi women’s garden resulting in heavy erosion into the rice fields and siltation. Since then, rice farmers in the area continue to experience low yields from the fields. One respondent stated that in the 2024 season her rice field was destroyed.

Similar complaints were also received from small-scale fishing communities which are affected by floods. As a result of climate change and its related impacts, one respondent stated that the community of Sanyang in Kombo South does not have enough fish as they used to; thus, affecting their livelihoods since they cannot venture into vegetable productions due to salt intrusion.

In Sare Gubu, Upper River Region, (largely subsistent farmers and herders), respondents indicated that the community is vulnerable to climate change as they experience higher temperatures, unpredictable rainfall patterns and low quantity and quality of grazing land. These issues affect animals in terms of grazing, milk production and profitability. The situation

⁴⁹ Gambia Climate Change Policy, 2025 P17.

is made worse as crop farmers continue to expand their farms into traditional grazing lands to boost their yields, thereby restricting herders' access to grazing lands.

Respondents from various communities shared their experiences of losing their sources of food to climate change-related phenomena:

'I struggled to put together the capital needed to start farming. I was able to buy ploughing materials, seeds and fertilizers. But due to the impact of climate change in the form of drought, I was unable to enjoy proper yield as my farms were severely damaged', Respondent, Jattaba, Lower River Region.

'Food insecurity has emerged in the community because of salt intrusion in the rice fields. Additionally, drought also posed a threat to the production of coos, millet and ground nuts. All these results in lower crop yield', Respondent, Jattaba, Lower River Region.



Rice fields affected by erosion in Sankandi, LRR

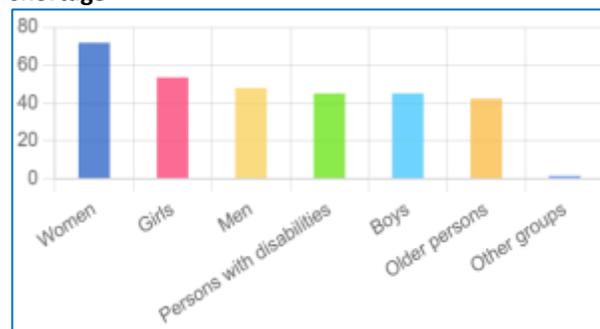
'This Government confiscated tractors that were given to the community by the former Jammeh Government and as a result we are no longer able to plough the low land to cultivate rice', Respondent, Sankandi, Lower River Region.

'Animal grazing weed/forage has also declined as cattle feeding is now more difficult to access due to growth of non-feedable grasses and shrubs due to low rains and intrusion of other non-eatable shrubs in the traditional grazing farms. Climate change has forced herdsmen to send their animals far away, and this has led to lack of green manure to fertilise the lands for good crop yields' Respondent, herder in Sare Gubu, Upper River Region

One 'Right to adequate food has been disrupted by climate change effects in many forms, ranging from drought, pest and disease outbreak in farms, inadequate fish stock in the river. And this has made food availability a little bit complicated for me and my family lately' Respondent in Kiang Karantaba, LRR.

Similar to the findings in relation to water shortages, when respondents were asked which group was disproportionately affected by lack of food, women, girls and PWDs were identified as the most affected. Seventy-Two percent of respondents thought that women were disproportionately affected followed by 53.52% of respondents who mentioned girls (See Figure 16).

Figure 16. Groups disproportionately affected by food shortage



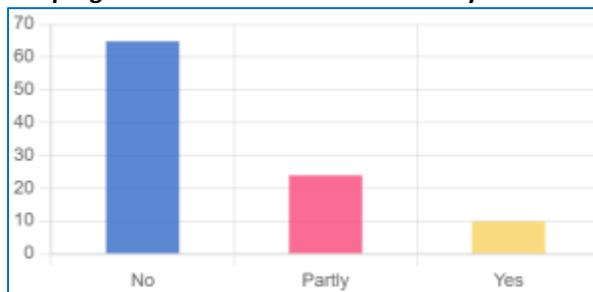
One respondent stated that 'women, girls and PWDs are mostly affected, and as women are mostly the caretakers of children if this kind food shortages happen, they bear the most

difficult burden. The children won't go to school and women will not have adequate time to go to the market or even go on their small-scale business activities'.

A Respondent in Karantaba, LRR 'Hunger is something that children cannot bear for so long, and they are at the stage of growth where their system needs more food. On the other hand, women as mothers that they are, when they are pregnant or breastfeeding, they need food too, but shortage of food quality disturbs their health too',

Despite the prevalence of food shortages, as shown in Figure 17, 64.79% of respondents stated that they did not receive support from public initiatives and programmes to ensure food availability and access. Even with the limited interventions, only 3 respondents believed that their entire communities benefited from these interventions while acknowledging that many people who needed support did not get any.

Figure 17. Receipt of support from public initiatives and programmes to ensure food availability and access



While the human right to food is a widely accepted legal and normative framework for tackling food insecurity, there are existing barriers that may hinder the attainment of this right. Given the obligation of the State to fulfil the right to food, The Gambia is failing to adequately address harms to the right to food in the context of climate change. While policy measures take climate change into account,

interventions remain inadequate to tackle the harms of climate change on the right to food. The Gambia should therefore formally recognize the right to food within the constitution, affirming the state's obligation to ensure access to adequate, nutritious, and culturally appropriate food and align existing agricultural, land, and nutrition policies with human rights standards.

RIGHT TO ADEQUATE HOUSING

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to adequate housing.

Process Indicator: Implementation of initiatives and programmes to protect the right to housing of those affected by climate change.

Outcome Indicators:

- **Enjoyment of the right to adequate housing in the context of adverse climate change impacts**
- **Incidents of dispossession, displacement or relocation due to climate change-related measures and projects without due process**

Using the above indicators, this study looked at whether climate change-related laws and policies address foreseeable harms to the right to adequate housing, whether initiatives and programmes were implemented affectively to protect this right in the context of climate change, and whether rightsholders were able to enjoy this right in the context of climate change impacts and incidences of displacement, dispossession or relocation due to climate change impacts or measures.

The right to adequate housing is not recognized under the 1997 Constitution of The Gambia. However, regional and international treaty obligations of The Gambia have recognized this right. The right to housing is recognised under Article 11(1) of the ICESCR and Article 14 of the African Charter on Human and Peoples' Rights. Climate change, through sea-level rise, flooding, and extreme weather, often results in displacement, destruction of homes, and the creation of climate refugees.

In Africa, the Commission in *SERAC v. Nigeria* affirmed that forced evictions and environmental destruction caused by oil exploitation violated the right to adequate housing under the African Charter.⁵⁰ These precedents underscore the State's obligation to adopt proactive climate adaptation and mitigation strategies to prevent displacement and ensure the protection of housing rights. The obligation of States to take steps towards the realization of the right to adequate housing for all is laid out in several international legally binding human rights instruments. The Committee on Economic Social and Cultural rights clarified that the right to housing should not be interpreted in a narrow or restrictive sense which equates it with the shelter provided by merely having a roof over one's head. Rather it should be seen as the right to live somewhere in security, peace and dignity.⁵¹

Under The Gambia's National Climate Change Policy 2016-2024, the State pursues climate-resilient and sustainable human settlements through promoting participatory planning, management and governance.⁵² However, neither the laws, Long Term Climate Strategy 2050 nor the National Development Plan 2023-2027 adequately address impacts of

climate change on housing for different groups or reflect human rights standards. The Gambia should therefore integrate climate-resilient, low-carbon building materials into national housing policies, securing land tenure for vulnerable communities, and enforcing strict, climate-informed urban planning; integrate the right to adequate housing into climate adaptation/mitigation strategies, ensuring national laws prohibit forced evictions.

While the study did not find initiatives to address climate risks to housing, it should be noted that any initiatives developed would need to align with human rights standards on adequate housing, and target persons and grounds most in need of assistance and without discrimination to specific tenure situations. The initiatives should also ensure construction of affordable elevated structures in flood prone areas, and assessment of climate-related risks and vulnerability and to plan accordingly before construction.

Of the communities visited, 59% of respondents indicated that in the last 5 years their homes had been negatively affected or made unlivable due to weather-related conditions or events (Figure 18). Additionally, as indicated in Figure 19, 42% indicated that their housing does not have adequate protection measures against cold, damp, heat, rain, wind or other threats to health, with another 32% indicating only partial protection.

⁵⁰ Ibid n 49.

⁵¹ CESCR General Comment No. 4.

⁵² Climate Change Policy 2016

Figure 18. Has your home been affected negatively or made unlivable due to weather-related conditions or events in the past 5 years?

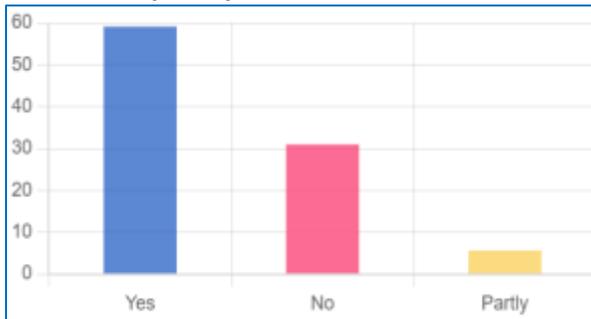
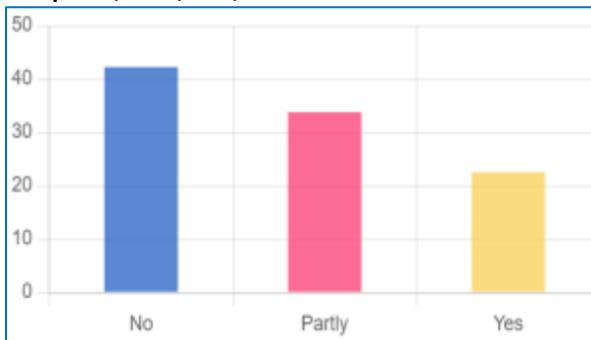
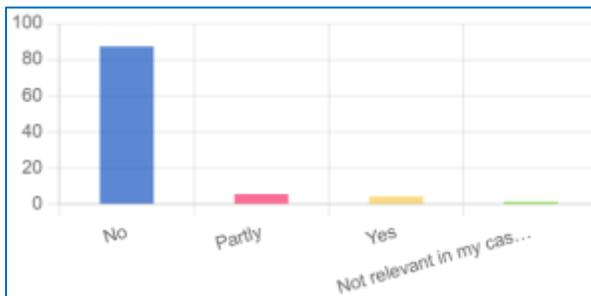


Figure 19. Adequacy of housing to protect from dampness, heat, rain, wind etc.



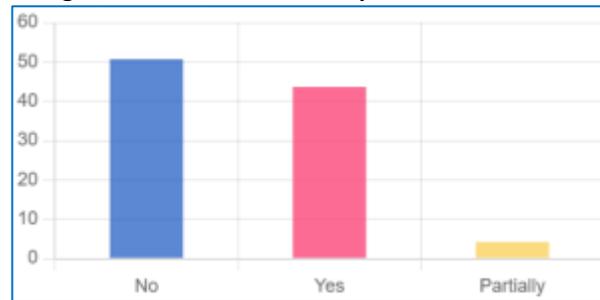
In terms of adaptation measures as shown in Figure 20, 87% of respondents stated that they did not benefit from support for adaptation and improvements to increase the resilience of their homes to extreme weather events. Only 9% of the respondents indicated receiving one form of adaptation or another. As a result of expected future damage to their houses, 30% of respondents stated that they were displaced.

Figure 20. Support for adaptation and improvements to increase the resilience of your home to extreme weather events



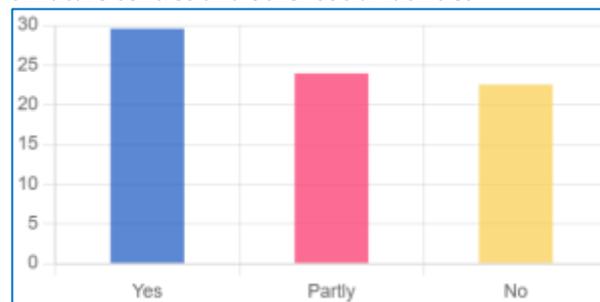
As shown in Figure 21, 43.66% of respondents indicated that they have experienced displacement (from land and property) due to climate change impacts, such as heavy rainfall, floods, storms, rising water levels, drought, wildfires, and extreme temperatures. Thirty-Six (50.7%) of the respondents indicated that they did not experience this form of displacement.

Figure 21. Experienced displacement (from land and property) due to climate change impacts, such as, heavy rainfall, floods, storms, rising water levels, drought, wildfires, extreme temperatures



As indicated in Figure 22, while majority of those who were displaced (29.58%) indicated that their new places have suitable access to employment options, health-care services, schools, childcare centres and other social facilities, 22.54% of the respondents indicated that their new places do not have suitable access to these.

Figure 22. New locations have suitable access to employment options, health-care services, schools, childcare centres and other social facilities



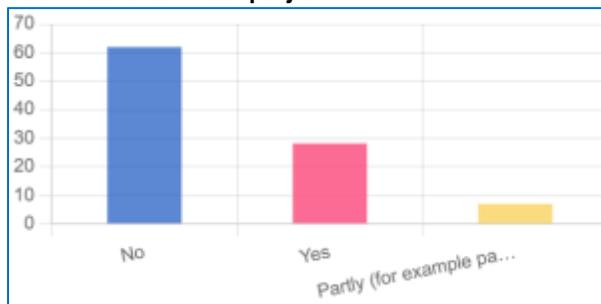
One respondent stated that 'we are used to farming and gardening, but in my new place,

no facilities are available to practice any of these.'

In Tendaba, LRR, one respondent stated that 'it is as a result of climate change that I had to evacuate to my uncle's place, but due to my family size of seven children, my husband and I are living in two bedrooms and a parlor apartment. Sometimes I feel like the family I live with are not comfortable with us and this has been giving me the thought of being forcefully moved out soon.'

In terms of dispossession, displacement or relocation in connection with climate-related measures and projects, as shown in Figure 23, while most respondents (61.97%) stated that they did not have this experience, 28% of respondents stated that they have experienced dispossession or relocation as a result climate-related measures and projects. These projects include mitigation, adaptation and climate resilience projects and programs.

Figure 23. Experience of dispossession, displacement or relocation in connection with climate change-related measures and projects



For those displaced or dispossessed:

- ✓ 8 respondents (11.27%) indicated that the Government did not explore alternatives in consultation with them to avoid or minimize the need for eviction/displacement.
- ✓ Only 3 respondents stated that the Government shared plans of dispossession in a transparent manner

and in a language that they understood well.

- ✓ Only 4 respondents confirmed being proactively informed in reasonable time.
- ✓ 4 respondents confirmed being consulted before, during, or after dispossession with opportunities to influence decisions.
- ✓ 2 respondents confirmed being provided with means to seek justice and be compensated for the harm suffered and legal aid.
- ✓ 4 respondents stated that they were provided with prompt, adequate, fair and just compensation for any material or other losses.

The right to adequate housing is not protected under the Constitution. National laws and policies were also found to be inadequate in addressing impacts of climate change on housing for different groups or reflect human rights standards. Further, climate resilient housing initiatives are not being undertaken, and it was clear from the communities visited that rightsholders experienced dispossession due to climate change and did not have adequate access to housing support.

Since climate change has severe impacts on housing, national laws and policies on climate change need to adequately address housing related issues by providing for an explicit enforceable right to housing and catering for immediately available housing for climate disaster victims.

RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to work and to just and favourable conditions of work.

Process Indicator: Implementation of employment-related support programmes and response measures to ensure the right to work and to just and favourable conditions of work in the context of climate change.

Outcome Indicator: Impacts of climate change on working conditions

In analysing this right, the Study assessed the existence of climate change-related laws and policies that address foreseeable harms to the right to work and to just and favourable conditions of work and the implementation of related employment support programmes and response measures in the context of climate change.⁵³ This was complemented by looking at the impacts of climate change on working conditions for rightsholders.

Under Article 15 of the African Charter on Human and Peoples' Rights, 'every individual shall have the right to work under equitable and satisfactory conditions and receive equal pay for equal work.' The minimum core obligations under this Article include the prohibition of forced labour and slavery, ensuring the right to freedom of association, and providing for adequate protection against

unfair or unjustified arbitrary or constructive dismissal and other unfair labour practices.⁵⁴ The Economic and Social Council General Comment No. 23⁵⁵ illustrates similar obligations under the ICESCR. It confirms that 'preventing occupational accidents and disease is a fundamental aspect of the right to just and favourable conditions of work, and is closely related to other Covenant rights, in particular the right to the highest attainable level of physical and mental health', thus calling States to action in this regard.

The research could not identify any specific climate-related laws or policies that protect this right. Thus, the research considered more generic protection in sectoral policies and laws. Though, the domestic legal framework of The Gambia does not provide for the right to work especially in the context of climate change, there is a constitutional prohibition of discrimination,⁵⁶ prohibition of forced labour and slavery,⁵⁷ and freedom of association⁵⁸ including in the context of work. Further, the Labour Act, 2023 specifically provides for the right to fair labour practices, including the right to work under satisfactory, safe and healthy conditions, participate and join trade unions, and receive equal pay for equal work.⁵⁹

In response to potential loss of jobs, States could establish non-contributory social security programmes for certain workers, such as workers in the informal economy, to provide benefits and protection against accidents and disease at work.⁶⁰ In The Gambia, social security is largely contributory.⁶¹ Under the

⁵³ See Indicators 20 and 21 of the National Assessment Tool.

⁵⁴ ACHPR Guidelines para 59.

⁵⁵ E/C.12/GC/23.

⁵⁶ Section 33 1997 Constitution.

⁵⁷ Section 20 1997 Constitution.

⁵⁸ Section 25 1997 Constitution.

⁵⁹ Section 52 of the Labour Act, 2023.

⁶⁰ Gen. Comment No. 23 para 64.

⁶¹ See section 17 of the Social Security and Housing Finance Corporation Act, 1981.

Social Security and Housing Finance Corporation Act, contribution to the Social Security Fund is done by both the employer (10% of the monthly salary) and the employee (5% of the monthly salary).⁶² The Act applies to both public institutions and private businesses registered in The Gambia but compliance remain low.⁶³ Other social protection schemes targeting specific vulnerable groups are administered to provide specific reliefs. These interventions do not adequately cover risks related to work in the informal sector where farmers and herdsman are not contributing to the scheme. This signals gaps in The Gambia’s compliance with the right to work and just and favourable conditions of work. The research found that climate-related laws and policies that address foreseeable harm to the right to work and to just and favourable conditions of work are not adequate. Further, implementation of employment-related support programmes and response measures to ensure the right to work and to just and favourable conditions of work in the context of climate change remain insufficient.

The literature suggests that climate change is already having serious impacts on the safety of workers around the world.⁶⁴ Several climate-related issues have been highlighted by ILO as global health threats to workers, they include

- Excessive heat
- Ultraviolet (UV) radiation
- Extreme weather events
- Workplace air pollution
- Vector-borne diseases
- Agrochemicals

⁶² Section 17.

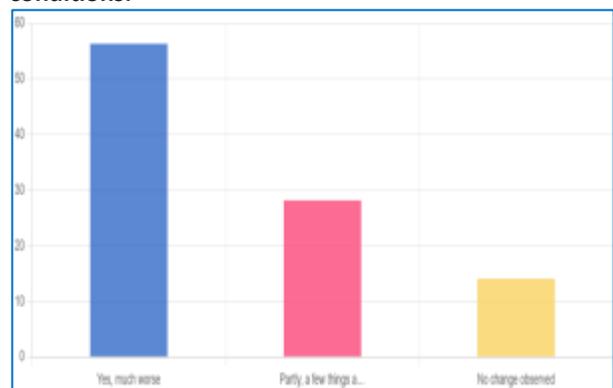
⁶³ NHRC ‘Study on the right to Social Protection in The Gambia’ 2022 p 8.

⁶⁴ ILO ‘Ensuring safety and health at work in a changing climate’ available at

Climate change is exposing The Gambia to heat, extreme weather events and vector-borne diseases.⁶⁵

Of the communities visited, 56% of the respondents indicated that in the last five years, changes in weather have resulted in discomfort at work or worsening risks faced at work. 28% of the respondents indicated that a few things are now more challenging, but they can adapt quite easily, while 14% maintained that they have not observed any changes.

Figure 24: Effects of changes in weather on working conditions.



It is worth noting that majority of the respondents are seasonal farmers, fisher communities, and herders and therefore more likely to be impacted by climate change related disasters. Describing their experiences, respondents cited extreme heat, flooding, and unpredictable rain patterns as experiences that have affected the comfort of their housing.

<https://www.ilo.org/publications/ensuring-safety-and-health-work-changing-climate> accessed 18 September 2025.

⁶⁵ As above.

Explaining the plight faced by cattle herders, one respondent stated:

'I have challenges in getting herbs that I use for my animal nutrition. Now I must travel by motorcycle to get basic herbs. Because of bushfires, and shortage of water, my cattle must move more than 50km to access grazing land during the dry season. Even with that, it has deteriorated. The animals have also no place to access water. The grazing lands are becoming less by the year. We continue to lose a lot of animals to infection and plastic consumption.'

Another rice farmer stated:

'I was a farmer, and this is where I get my livelihood from. But because of salt intrusion, I had to abandon the land and switch to a small business that has very little profit.'

A coastal town fisherman stated:

'Due to the sea level rise it has reduced the number catches of the fish.'

The findings of this study confirm the existence of gaps in the legal and policy framework in relation to this right as well as worsening of conditions at work for rightsholders in the last five years because of climate change. There is no constitutional protection of the right to work in The Gambia. With majority of respondents working in the informal sector, they are exposed to risks associated with climate change as there are no adequate structures to minimize work related climate-induced discomforts. For these reasons, The Gambia needs to strengthen protections for informal, and agricultural workers, who are often left without adequate,

or any, legal protection and introduce initiatives to protect farmlands from salt intrusion and develop strategies to sustain animal husbandry in the face of severe climate consequences.

RIGHT TO SOCIAL SECURITY

Structure Indicator: Existence of climate change-related laws and policies that address social security.

Outcome Indicator: Equal access to social security schemes in the context of climate change.

The right to social security is enshrined in several core human rights treaties and ILO Conventions. Article 9 of ICESCR provides that "the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance." This right is not explicitly protected under the African Charter on Human and Peoples' Rights, but it can be inferred from joint readings of several rights, including the right to life, dignity, work, health, protection of the family.⁶⁶ The right to social security imposes on States the obligation to

Ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education consistent with human life, security and dignity.⁶⁷

States Parties are also under obligation to put in place National Plans, policies and systems to

⁶⁶ ACHPR Guidelines para 81.

⁶⁷ As above.

create and maintain contributory schemes, non-contributory schemes and allowing the operation of privately run schemes.⁶⁸ States should also consider the operation of social safety nets to cover specific vulnerable groups.

In relation to this right, this Study looked at the existence of social security measures and whether they consider climate change risks, as well as whether there is equal access to these schemes. The study did not find climate-change related laws and policies that consider the right to social security. The 1997 Constitution of The Gambia does not explicitly protect the right to social security. The Social Security and Housing Finance Corporation Act 1981 is the main legislation that regulates social security in The Gambia. The social security created under this Act is contributory, therefore only available to those who make contributions to the Scheme. Under section 29 of the Social Security and Housing Finance Corporation Act, the following benefits are payable to beneficiaries:

- a. a retirement benefit (payable to qualified retirees);
- b. an invalidity benefit (payable to members who are permanently disabled by reasons of physical or mental disability to engage in gainful employment);
- c. a withdrawal benefit (payable to persons who have attained the age of 45 years and has not been employed as a worker for at least two years immediately preceding the application for benefit) and
- d. a survivor's benefit (payable on death of a member of the Fund, to nominees to dependents of the deceased person).

⁶⁸ As above.

⁶⁹ Long Title, NSP Act, 2024.

In 2024, The Gambia enacted the National Social Protection Act, 2024. The Act provides for the prevention, reduction and alleviation of economic, discriminatory and social vulnerabilities as it relates to poverty and deprivation in The Gambia.⁶⁹ It provides for the possibility of emergency assistance and long-term assistance.⁷⁰ It also provides for coordination of social assistance to identified persons in need. The groups under this category include extremely poor individuals and households, orphans and vulnerable children, elderly persons, unemployed persons, widows and widowers, PWDs, etc. Many of these groups are often disproportionately impacted by climate change. Enforcement of this Act is, however, yet to be fully realized.

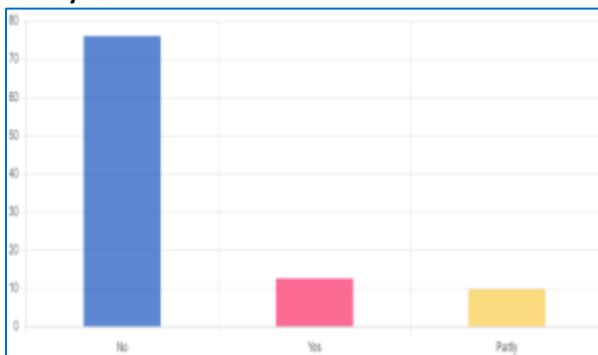
As unemployment in The Gambia remains high at 8.3%⁷¹ and the economy remains vulnerable to shocks, the protection of the right to social security is important. In response to these shocks, two important non-contributory social nets were introduced in The Gambia. The Nafa Cash Transfer, as a component of The Gambia Social Safety Net Project, was jointly funded by the World Bank and the Government of the Gambia. In response to the COVID-19 pandemic, this intervention was utilized for the implementation of the Nafa Quick emergency cash transfer to households in the poorest district of the Gambia. In the wake of the Covid-19, the “Nafa Quick” (locally dubbed “immediate help”) was developed with the broad aim of providing quick relief, building household resilience and recovery from the pandemic. This intervention paid GMD3,000 bi-monthly to household heads in the most vulnerable communities.

⁷⁰ Section 18 of the NSP Act.

⁷¹ GBOs Labour Force Survey 2025.

Another notable intervention is the ‘Building Resilience through Social Transfers (BReST)’. This intervention was geared towards building resilience and improving the nutritional status of lactating women and children under the age of two in the poorest districts of The Gambia.⁷² The intervention aimed at covering 20% of household food costs. Despite the gains of these two interventions, their temporary nature and limited scope did not allow extensive coverage of climate induced vulnerabilities. Based on the above, some issues related to compliance remain. The Gambia should establish and sustain permanent climate specific social protection measures to counter these vulnerabilities. From the rights holders’ data, as indicated in Figure 25, 76% of the respondents stated that they did not access any relevant social protection programmes in the last five years. Only 12% of respondents confirmed benefiting from social protection despite the challenges faced. Even where interventions came, 59% of the respondents stated that many eligible people were excluded from the benefits. This signals major gaps in accessing social security schemes in the context of climate change.

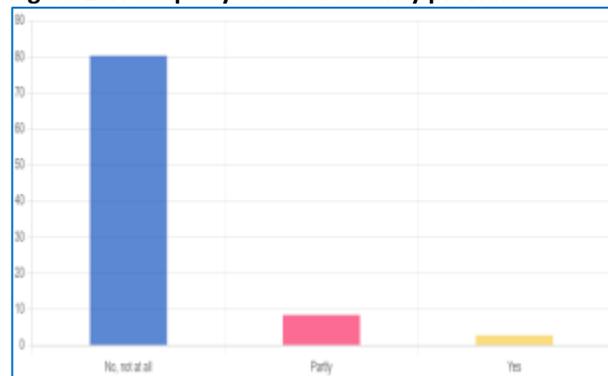
Figure 25: Access to social security programmes in the last 5 years



The benefits that were given include old age pension, NDMA interventions, NAFA cash payment programs (monetary payments), and

food support. As shown in Figure 26, 80% of the respondents indicated that the amount of social security benefits provided has not been adequate to ensure community/people have an adequate standard of living in view of climate change risks and impacts. Only 3% of the respondents indicated that the support is adequate and 8% stated that it is partly adequate.

Figure 26. Adequacy of social security provided



One respondent stated that ‘even where support was provided to victims, the relief did not benefit all groups.’ In response to the question, “Did the support reach and benefit all groups within your community equally?”, 70% of the respondents answered in the negative, pointing towards uneven or equitable application of response to all victims.

From the above, it is discernible that despite the enactment of the Social Security and Housing Finance Corporation Act 1981 and the Social Protection Act 2024, there are gaps in the availability of social security for climate change related risks. There is no constitutional protection of the right to social security; existing social security is largely contributory and does not adequately cover farmers and herders in the informal sector and non-contributory schemes such as NAFA Quick and

⁷² NHRC Study P 16.

BReST are not readily available for climate change-related emergencies.

It is therefore recommended that the State should provide for the constitutional protection of the right to social security and in line with the Social Protection Act, 2024 create nondiscriminatory and non-contributory social protection schemes in the context of climate change.

RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

The right to a clean, healthy and sustainable environment is not specifically protected under the 1997 Constitution of The Gambia. The National Environment Management Act, 1994, provides for the protection and improvement of the health and quality of life of all Gambians through sound environmental management. The Act also establishes the National Environment Agency to enforce the provisions of the Act. Enforcement of the Act remains weak and therefore the NEA should intensify its enforcement efforts.

CULTURAL RIGHTS

Structure Indicator: Protection of cultural heritage from the adverse impacts of climate change.

Outcome Indicators:

- **Changes in the practice of cultural, spiritual and religious traditions, customs and ceremonies due to climate change-related impacts**
- **Changes in the practice of cultural, spiritual and religious traditions, customs and ceremonies due to**

climate change-related measures and activities

The Gambia has a rich culture, with Islam and Christian faiths being dominant and blended with traditional practices.⁷³ Burial sites, religious sites, traditional lands, food such as milk and wild fruits continue to hold cultural and sentimental value in The Gambia. Therefore, climate-related events such as floods, bushfires, drought, and loss of vegetation all have potential impacts on culture. This Study assessed protection of cultural heritage from the adverse impacts of climate change and changes in the practice of cultural, spiritual and religious traditions, customs and ceremonies in the context of climate change-related impacts.

Article 17 of the African Charter on Human and Peoples' Rights provide that 'every individual may freely, take part in the cultural life of his community' and places a duty on the State to promote and protect morals and traditional values of communities. Some of the key obligations created under this right include implementation of protective as well as conservative measures.⁷⁴

Cultural rights are also enshrined in Article 15 of ICESCR and Article 27 ICCPR. Article 26(1) UNDROP also provides that 'peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life.' 'Cultural rights' have been defined broadly to include tangible heritage (e.g. sites, structures and remains of archaeological, historical,

⁷³ Gambia Arts and Culture Policy p 6.

⁷⁴ ACHPR Guidelines para 76.

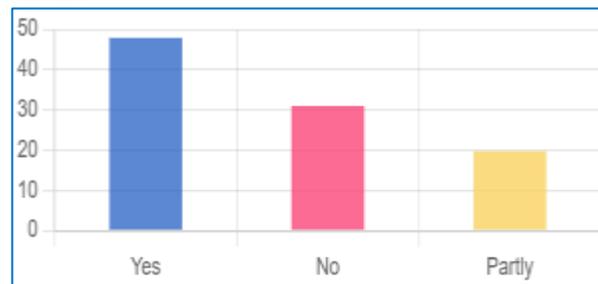
religious, cultural or aesthetic value), intangible heritage (e.g. traditions, customs and practices, aesthetic and spiritual beliefs; vernacular or other languages; artistic expressions, folklore) and natural heritage (e.g. protected natural reserves; other protected biologically diverse areas; historic parks and gardens and cultural landscapes).⁷⁵

Under Section 32 of the 1997 Constitution, every person shall be entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the Constitution and to the condition that the right protected does not impinge on the rights and freedoms of others or the national interest, especially unity. The Gambia Arts and Culture Policy 2018-2027 define culture as ‘set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.’⁷⁶ Even though the Policy does not specifically address the impacts of climate change on culture and cultural practices, it commits to uphold, respect and contribute to the implementation of the full range of human rights standards as a pre-requisite for achieving effective sustainable development in the Arts and Culture industries.⁷⁷ Furthermore, environmental impact assessments checklists in The Gambia consider the potential impact of projects and interventions on cultural rights under the Environmental Impact Assessment Regulations, 2014.⁷⁸ The Regulations require public participation in the environmental impact assessments.⁷⁹ Despite the constitutional protection, climate impacts are not addressed in detail in the laws and

policies. It is also worth noting that these regulations are not specifically targeted at climate-related interventions, rather they provide general guidelines for all projects and initiatives.

From the community data, 48% of respondents stated that climate-related impacts restricted their cultural, spiritual and religious traditions, customs and ceremonies; 30% of respondents stated that they were not affected and 20% of respondents stated that they were partly affected (Figure 27). These restrictions were attributed to flooding, sea level rise, wildfires, and storms. Women and children were identified as the most affected.

Figure 27. People affected by climate related impact on culture



In Kerewan Badala, URR, the community mosque was partially damaged by heavy rains and its roof leaked. In Tendaba, LRR, due to the rising water level from the river, most community members found it difficult to access the mosque to perform the daily prayers as the overflow of water inundates the mosque.

⁷⁵ Report of the independent expert in the field of cultural rights Fareeda Saheed A/HRC/17/38.

⁷⁶ Gambia Arts and Culture Policy 2018-2027 p 1.

⁷⁷ As above p 7.

⁷⁸ Interview with MECCNAR.

⁷⁹ Regulation 16, EIA Regulations 2014.



In Kiang Jataba, LRR, it was reported that wildfire encroached into the village cemetery and burned the entire cemetery. One of the respondents stated that this had an impact on the cultural and religious practice of the community.

In Sare Gubu Sandu, Upper River Region, herders lamented that lack of cattle pathways to access traditional pastoral lands and animal drinking points affects milk production. Further, those who have cattle used to provide food for the community during the lean periods in the summer in the form of milk and sour milk when cereals and other staple foods are scarce. However, nowadays, they cannot adequately supply people as milk quantity dwindles with poor grazing fields.

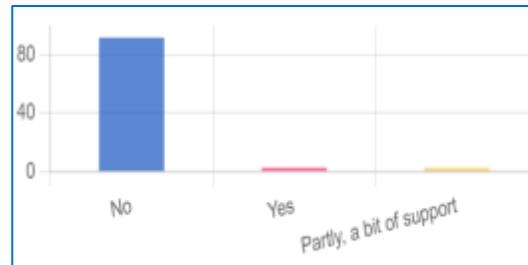


A herd of cattle in Sare Gubu

In terms of support to protect cultural heritage, as shown in Figure 28, 91% of respondents stated that they have not

received any support to protect cultural heritage if threatened by climate change. For the 3% that confirmed receiving support, they lamented the insufficiency of the support received.

Figure 28. Have you received any support to protect your cultural heritage if threatened by climate change?



The data suggests that while cultural and religious practices have been affected by climate change, the effects stem more from impacts such as increased flooding or drought, as opposed to climate change-related laws, plans, policies, measures or activities. As seen in Figure 29, 60% of respondents stated that the restrictions do not stem from climate change-related laws, measures or activities while 21% indicated that climate change-related laws, policies, and activities have restricted their cultural practices. Examples provided by respondents included renewable energy projects, and forestry related laws and projects.

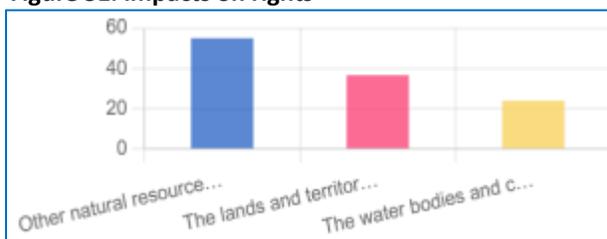
Figure 29. are the effects from climate change-related laws, plans or policies?



In the last five years, as indicated in Figure 30, 55% of respondents indicated that fisheries, forests and pastures were affected by climate

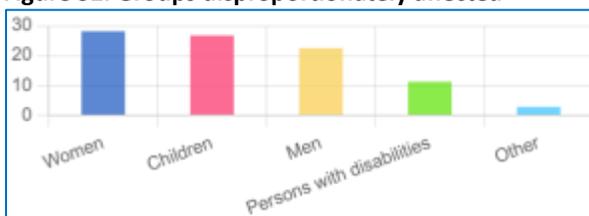
change related laws, policies, or activities on individual and collective rights; 36.6% of respondents state that the lands and territories, which they have traditionally owned, occupied or otherwise used or acquired were affected and 24% of respondents stated that the water bodies and coastal seas that have been traditionally accessed and used were affected.

Figure 31. impacts on rights



As shown in Figure 32, women and children were cited as the most disproportionately affected by climate-related restrictions on cultural, spiritual and religious traditions, customs and ceremonies with 28% and 27% respondents respectively citing these vulnerable groups.

Figure 32. Groups disproportionately affected



The study findings indicated that climate impacts on cultural rights are not addressed in detail in the laws and policies. Majority of respondents highlighted significant negative changes in enjoyment of cultural rights due to climate change, including climate change impacts and climate change-related measures and activities. It is recommended that climate change mitigation and adaptation need to be considered in law making and interventions should be put in place to protect cultural lands and practices. Further, measures should

include vulnerability assessments and adopt targeted approaches for women groups.

RIGHTS TO LAND AND NATURAL RESOURCES FOR PEASANTS AND OTHER PEOPLE LIVING IN RURAL AREAS

Structure Indicator: Recognition of the rights of peasants and other people living in rural areas to land and natural resources in climate change-related policies and laws.

Outcome Indicator: Effective control over lands, territories and resources

Article 14 of the African Charter provides that ‘the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.’ A similar provision is contained in Article 17 of the Universal Declaration of human Rights. The UN Declaration on the Rights of Peasants and Other People living in rural areas (UNDROP), provides that these groups have a right to land, and to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein.

Majority of land in The Gambia is held under customary/traditional ownership. Families rely on harvest from family farmlands for sustenance. Climate change affects productivity of subsistence farming and consequently livelihoods. The study looked at whether the rights of peasants and other people living in rural areas were recognized in national legislation, and climate-related policies and laws, as well as the experience of these rightsholder groups in controlling access to their land.

The 1997 Constitution of The Gambia prohibits unjustified deprivation of property including land.⁸⁰ Land administration is complex as different regimes govern the process of ownership, transfer and use. The Lands (Regions) Act, 1991 governs the administration of land in the regions mostly through customary law while the State Lands Act, 1991 governs lands in the Greater Banjul Area and other designated places. The Lands (Acquisition and Compensation) Act governs the process of State acquisition of land in The Gambia.

Majority of land in The Gambia is held under customary tenure as the Lands (Regions) Act, 1991 recognises customary titles. One of the main challenges to land tenure remains the lack of/poor registration regimes of customary ownership. Many titles under these regimes remain unregistered.⁸¹ Since title under customary law is also mostly passed through personal laws, land is mostly held by men and this is not adequately redressed by the anti-discriminatory clauses in the law.⁸² The Land Policy seeks to enhance and guarantee women’s access to land and their security of tenure; facilitate the acquisition of land by women in their own right not only through purchase but also through government allocations.⁸³ The Policy also recognises planning challenges faced by the State as a result of climate change related issues and proposes development of climate smart infrastructure, robust flood management systems, the preservation of natural buffers such as mangroves, and the promotion of sustainable building standards and practices.⁸⁴

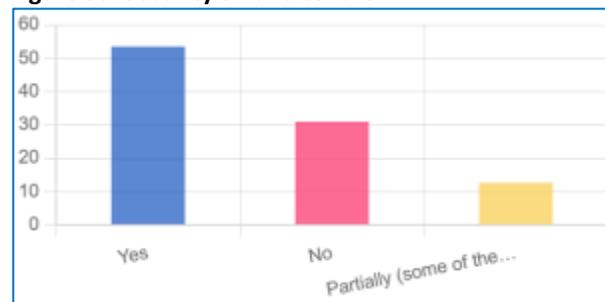
Land holds economic, social and agricultural value in The Gambia. Security for loans,

cultivation of cash crops, subsistence agriculture, religious and cultural rites as well as residential developments all rest on land ownership and property rights. Climate change has the potential of disrupting these benefits.

Both the 1997 Constitution, land legislations and the Land Policy recognize the rights peasants and other people living in rural areas to land and natural resources. While this is commendable, specific climate-related laws and policies do not provide for these rights.

From the community data, as seen in Figure 33, 38 respondents (53.52%) indicated that they have formal/legally recognized documents which recognize rights to lands, property or natural resources while 22 respondents stated that they do not have these documents. Under this section, security of tenure is looked at from the perspective of land ownership of peasants and other people living in rural areas.

Figure 33. Security of land tenure



While these point towards some form of security of tenure, as shown in Figure 34, respondents still expressed concerns over potential to lose their lands as 17 respondents (23.94%) stated that this is a very likely possibility and 14 respondents (19.72%) stated

⁸⁰ Section 22 of the 1997 Constitution.

⁸¹ The Gambia Land Policy 2026-2025 p 17.

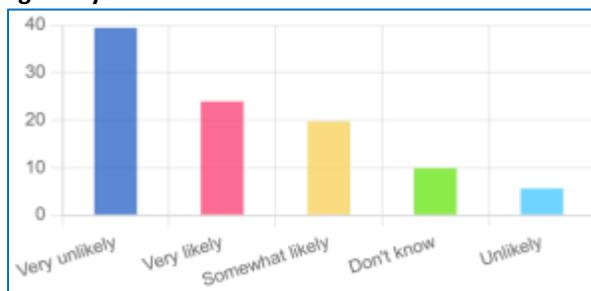
⁸² Land Policy, p 31.

⁸³ As above, p 32

⁸⁴ As above p 36.

that it is somewhat likely. Majority of the respondents, 57.75%, stated that the reasons they may feel insecure about their tenure is not climate change related, while 31% believed that it is climate change related.

Figure 34. How likely is it that you could lose the right to your land, property or resources, or part of this land, against your will?



Some of the key challenges to security of land ownership highlighted include communal or family joint ownership, possibility of government re-entry, flooding and rise in sea levels. Six respondents specifically cited climate adaptation as a challenge to security of tenure highlighting the impact of climate change activity on land tenure systems. With climate adaptation projects proliferating the country, the chances of being affected are high.

Land rights are recognized in The Gambia under the right to property. The 1997 Constitution and series of land administration legislation are in place to regulate land ownership. Patriarchy, unregistered title deeds under customary ownership and poor enforcement of anti-discrimination clauses continue to present challenges to security of tenure in The Gambia. It is therefore important for The Gambia to consolidate its land regime, improve security of tenure and incorporate climate adaptation and resilience into land administration.

⁸⁵ Section 25 of the 1997 Constitution of The Gambia.

RIGHT TO PEACEFUL ASSEMBLY

Structure Indicator: Recognition of the right to peaceful assembly in law.

Outcome Indicator: Incidents of suppression of peaceful assembly in the context of climate change contrary to international human rights law in the last five (5) years.

Under this right, the study considered the recognition of the right to peaceful assembly and incidents of suppression of peaceful assembly in the context of climate change in the last five years.

The Gambia recognises the right to association and assembly.⁸⁵ However, these rights are restricted, and the Public Order Act of The Gambia continues to affect the right to public assembly in The Gambia. Before any public assembly is exercised, this Act requires people to apply for permits from the Inspector General of Police or a Regional Governor before processions.⁸⁶ National legislation on freedom of association and assembly such as the Public Order Act, should be drafted with the aim of facilitating and encouraging the enjoyment of such rights.⁸⁷ Article 11 of the African Charter guarantees the right to assembly. This right is however subject to necessary restrictions provided by law particularly those enacted in the interest of national security, safety, health, ethics and rights and freedoms of others. Article 21 of the ICCPR protects the right to peaceful assembly and imposes restrictions like those in Section 25 (4) of the 1997 Constitution of The Gambia.

As seen below, the right to assembly continues to be an important avenue to challenge the State on climate change-related impacts on

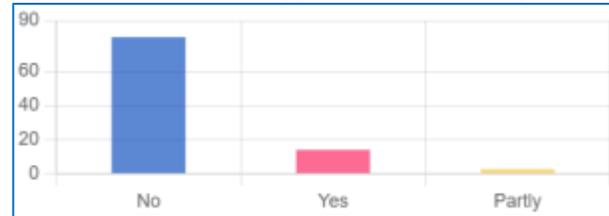
⁸⁶ Section 5 of the Public Order Act.

⁸⁷ ACHPR Guidelines on Freedom of Assembly.

human rights. In The Gambia, just like in many other countries, the right to assembly is a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights.⁸⁸ The right can also be used to demand policy and legal reforms as well as human rights friendly interventions on climate change. Since section 5 of the Public Order Act requires adherence to strict administrative measures such as acquiring licence before assembly and prohibition of the use of public address systems, The Gambia has seen rise in arrests during exercise of this right.⁸⁹ While these arrests are not directly linked to climate change (and no evidence of suppression of climate-related assembly was found during the desk research), this section can always be relied on by law enforcement to suppress assembly. The study did not find the right to assembly reflected or mentioned in any climate change-related laws or policies. This means that The Gambia still has some issues related compliance with the exercise of the right to assembly.

The community data found that respondents in the last five years, 80% of have not experienced incidents of suppression of peaceful assembly concerning issues related to climate change or climate-related policies, programmes, measures or decisions. 14% of respondents confirmed that they have experienced incidents of suppression of assembly (Figure 35).

Figure 35. incidents of suppression of assembly

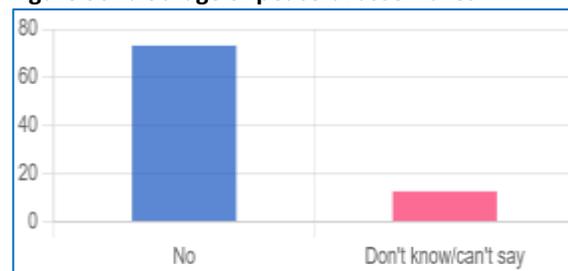


One respondent from Sanyang, WCR stated that ‘the people of Kombo Sanyang have been complaining of sand mining in their region as it is affecting their environment. As sandmining is causing a lot of big holes in that area, they fear it may cause sea level rise in the future’.

Another respondent from the same community stated that ‘we assembled to raise our concerns because they are building stores and petrol stations around the riverside which are blocking the drainage system and the flow of water.’

As shown in Figure 36, 73.24% respondents stated that peaceful assemblies have not been blocked by the authorities’ concerning issues related to climate change or climate-related policies, programmes, measures or decisions.

Figure 36. blockage of peaceful assemblies



⁸⁸ General comment No. 37 (2020) on the right of peaceful assembly (article 21) CCPR/C/GC/37.

⁸⁹ See *Ousainou Darboe and 19 Ors v Inspector General of Police and 2 Ors* SC 003/2016; see also Point Newspaper ‘Banjul The North NAM Vows to Challenge Gambia’s Public Order Act After Youth

Arrests Spark Public Outcry’

<https://fatunetwork.net/banjul-north-nam-vows-to-challenge-gambias-public-order-act-after-youth-arrests-spark-public-outcry/> accessed 10 September 2025

Despite the constitutional protection of the right to assembly, the Public Order Act continues to be used to stifle assembly. Authorisation is required for any public assembly⁹⁰ and protesters including any climate-related protests, are still liable to forceful dispersal by the police. While desk research did not find any suppression of climate-related assemblies, respondents confirmed both suppression of assembly and threats of judicial prosecution of people defending their rights. It is therefore recommended that the Public Order Act be repealed and legislation to allow the exercise of peaceful assembly including for climate-related assemblies be put in place.

RIGHT TO LIBERTY AND SECURITY

Outcome Indicators:

- **Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates (SDG indicator 16.10.1).**
- **Threats to and/or judicial prosecution of human rights defenders in the context of climate change (over the last 5 years).**

The law recognises the right to liberty in the 1997 Constitution under section 19. Similar provisions are contained in article 6 of the African Charter and article 9 of the ICCPR which protect the right to liberty, prohibit arbitrary arrests and requires States to curtail the right to liberty only for reasons and conditions that were previously laid down by

⁹⁰

<https://www.rightofassembly.info/country/gambia> accessed 20 September 2025.

law. This right protects individuals not only from deprivation of liberty by States but also by third parties.⁹¹

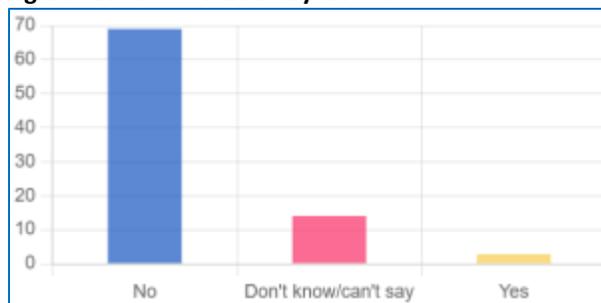
The right to liberty and security of the person is essential to the protection of other human rights such as assembly, association and the general work of human rights defenders. Generally, climate action is needed to preserve fundamental human rights affected by climate change. Given the lack of awareness on climate change in The Gambia and the need for human rights defenders to advocate in this area, deprivation of liberty and security of the person could affect climate activism. Furthermore, The Gambia does not have a specific law on protection of human rights defenders.

The study explored the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, media personnel, trade unionist and human rights advocates, as well as threats to or judicial prosecution of human rights defenders in the context of climate change.

During the community data collection, in relation to kidnapping, enforced disappearance and torture, respondents, as shown in Figure 37, indicated either there was none or that they didn't know/cannot say. Only 2% of respondents indicated that there were arbitrary arrests.

⁹¹ HRC General Comment No. 35 on Liberty and Security of the person CCPR/C/GC/35.

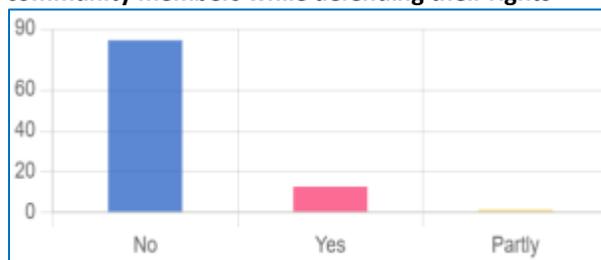
Figure 37: Cases of arbitrary arrests



The study did not find any official data on The Gambia for incidents of suppression of peaceful assembly in the context of climate change, thus highlighting the need for monitoring and reporting on this indicator. However, one case of killing was reported in Berending, Kombo South, between community members. Though the killing was not perpetrated by the State, it followed a clash between two communities over increasingly scarce land.⁹²

As shown in Figure 38, 13% of the respondents to the rights holders' assessment indicated that there have been threats to and/or judicial prosecution of community members while defending their rights in the face of climate change-related measures or impacts.

Figure 38. threats to and/or judicial prosecution of community members while defending their rights



In one of the communities, it was reported that 'people who have been outspoken about grazing points for cattle were summoned to

⁹² See F Touray 'One killed over land dispute between Gunjur and Berending' *Kerr Fatou* 4 October 2021 [https://www.kerrfatou.com/one-](https://www.kerrfatou.com/one-killed-over-land-dispute-between-gunjur-and-berending/)

the chief/district tribunal' but were eventually cautioned and discharged.

The study did not find any domestic legal instrument that specifically protects human rights defenders. Despite the protection of the right to liberty and security of the person in the 1997 Constitution, there was report of one killing in relation to land, and threats of judicial prosecution of human rights defenders. While the study did not find official data verifying this killing, the media report and responses from rights holders signal a need for protection of human rights defenders working on climate change. It is recommended that The Gambia enacts law on protection of human rights defenders.

PROCEDURAL RIGHTS OBLIGATIONS

Right to participation

Structure Indicator: Procedures or mechanisms for State consultation with rights-holders at national, sub-national and local levels.

Process Indicator: Meaningful participation of rights-holders in the design, implementation, monitoring of climate change-related laws, policies, plans, and projects.

Process Indicator: Rights-holder participation in impact assessments prior to approval of climate change-related projects.

The Study looked at existing procedures or mechanisms for state consultation with rightsholders, whether there was meaningful

[killed-over-land-dispute-between-gunjur-and-berending/](https://www.kerrfatou.com/one-killed-over-land-dispute-between-gunjur-and-berending/) accessed 10 September 2025.

participation of rightsholders in the design, implementation and monitoring of climate-related laws. It also investigated the experiences of rightsholders participating in impact assessments prior to the approval of climate change projects, in the design, implementation and monitoring of climate change-related laws, policies and projects.

The right to participation is provided under Article 25 of the ICCPR. The right includes the opportunity to take part in the conduct of public affairs either directly or through freely chosen representatives. Similar provision is contained in Article 13 of the African Charter. While the 1997 Constitution of The Gambia does not explicitly provide for the right to participation in non-political contexts, it can be implied in the provision of the right to property under Section 22 of the Constitution.

Meaningful participation is important in climate adaptation, resilience and mitigation in The Gambia as decisions on implementation of projects such as green energy transition, and agricultural interventions usually affect right to property and eventually other rights. One of the principles of The Gambia National Climate Change Policy 2016-2025 is 'to promote a supportive and enabling system for participation and ownership by all stakeholders'.⁹³ The Environmental Impact Assessment Regulations, 2014 requires consultation with rights holders before implementation of projects. The Ministry of Environment, Climate Change and Natural Resources also confirmed that all climate change related projects require consultations with rights holders.⁹⁴

Under the National Environmental Management Act, The Gambia has developed the Environmental Impact Assessment Regulations 2014 that guide the implementation of policies, initiatives and projects.⁹⁵ In line with these Regulations, MECCNAR seeks input from rights holders and their representatives during the design, implementation, and monitoring of climate change-related laws, policies, plans, and projects.⁹⁶ During the development of The Gambia National Adaptation Programme of Action (NAPA) on Climate Change for example, community, private sector, and civil society participation was key.⁹⁷ During the development of The Gambia's Long-Term Climate-Neutral Development Strategy 2050, stakeholder consulted included The Association of Non-Governmental Organisation, Farmers Association, and few other CSOs were included. Similarly, the process of developing The Gambia's NDC2 engaged NGOs, academia, public and private sectors.⁹⁸ As seen in the rights holder assessment data below, despite the existence of Environmental Impact Assessment Regulations and the above highlighted engagements, right holder participation in the process of development and implementation of activities remains low/insufficient.

The rights holder responses collected during the research indicates that in terms of who participated in the design, implementation and monitoring of climate change related laws, policies and projects, male representatives constituted the highest with 39.44% of the respondents stating that they were represented by this group. 30% of the respondents were represented by chosen female representatives, 7% of the respondents

⁹³ The Gambia Climate Change Policy 2016 p 15.

⁹⁴ Interview with Representative of MECCNAR.

⁹⁵ Developed under the NEMA Act,

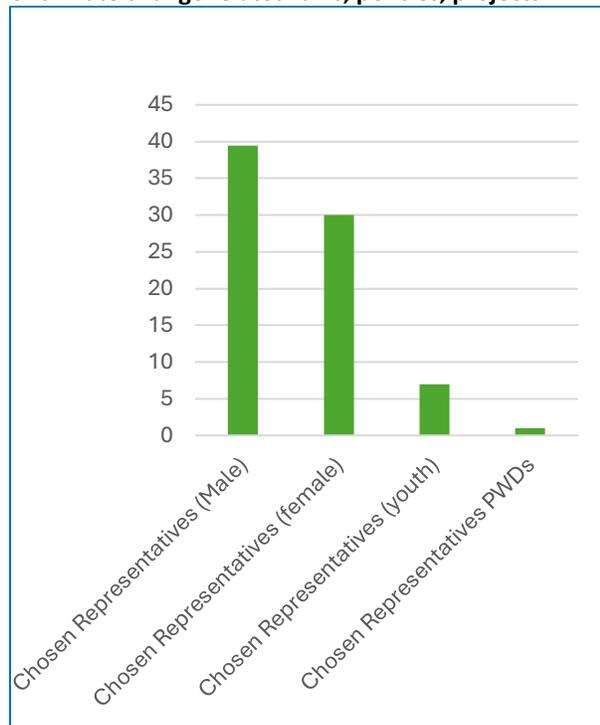
⁹⁶ Interview with Representative of MECCNAR.

⁹⁷ NAPA on Climate Change 2007 p 28.

⁹⁸ Second NDC of The Gambia p 5.

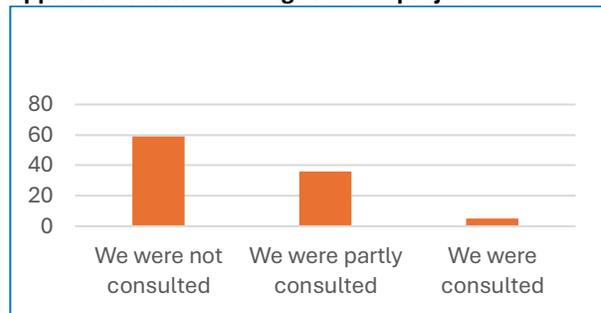
stated that they were represented by young people and 1% of the respondents were represented by PWDs.

Figure 39: Representation in design, implementation of climate change related laws, policies, projects



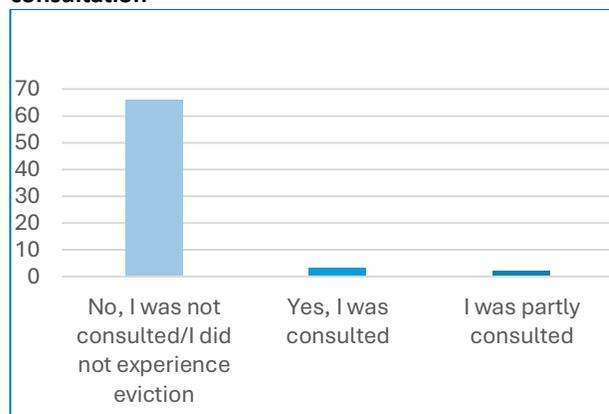
Environmental impact assessment is a legal requirement for implementation of major climate interventions.⁹⁹ As shown in Figure 40, 59% of respondents stated that they or their representatives were not consulted or participated in impact assessments of climate-related projects that may affect their lands, property or natural resources. Only 5% confirmed that they or their representatives were consulted, while others stated that they were partly consulted.

Figure 40: Consultation in impact assessment prior to approval of climate change related projects



For those who have experienced eviction, relocation or resettlement, as shown in Figure 41, only 3 respondents stated that they were consulted prior to the process.

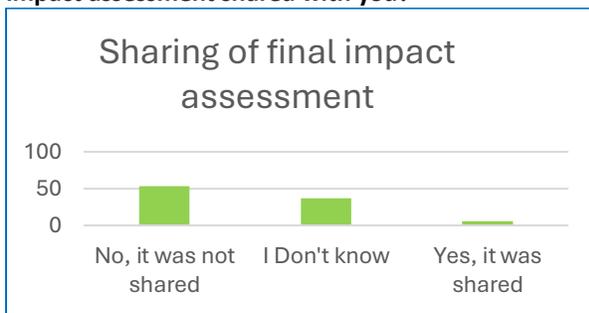
Figure 41. eviction, relocation, resettlement related consultation



Respondents stated that Village Development Committee members, Alkalos, Council of elders, Women, PWD's were the representatives that participated in consultations. Even where consultations were done, 53.5% of respondents stated that the final impact assessment was not shared with them.

⁹⁹ Interview with MECNAR Official.

Figure 42. If an assessment was done, was the final impact assessment shared with you?



In the context of climate change, The 1997 Constitution does not provide for the explicit right to participation in non-political issues, but participation can be inferred in various rights. At the national level, policies and regulations require consultations and participation of rightsholders. However, in practice, rights holders highlighted that there is no meaningful participation in impact assessments. Consequently, in the planning and execution of projects, Ministries, Departments and Agencies should meaningfully engage rights' holders and provide them feedback after assessments in line with international standards on meaningful participation.

RIGHTS OF ACCESS TO INFORMATION

Structure Indicator: Recognition of the right of access to information in national legislation.

Process Indicator: Availability and accessibility of information on climate laws, policies, measures and impacts.

Outcome Indicator: Equal access to environmental information

Article 19 ICCPR provides for the right to seek, receive and impart information is a fundamental and this right is a pre-condition for effective participation. States parties should therefore proactively put in the public domain government information of public interest.¹⁰⁰ States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation. Similarly, article 9 of the African Charter provides that 'every individual shall have the right to receive information.' This right shall be guaranteed by law,¹⁰¹ and even in the absence of specific requests, public bodies and relevant private bodies are required to proactively publish information of public interest, including information about their functions, powers, structure, officials, decisions, budgets, expenditure and other information relating to their activities.¹⁰²

Access to information is crucial for tackling climate change and protecting human rights by empowering citizens to hold government accountable, participate in decisions, combat misinformation, and ensure equitable climate action, especially for vulnerable groups. Climate adaptation, mitigation and resilience projects are usually accompanied by documents such as impact assessment reports and other project documents. Access to these documents will enable rights holders to appreciate the projects as well as hold the state accountable for any eventual violations of human rights and laid down standards.

¹⁰⁰ HRC General Comment No. 34.

¹⁰¹ Principle 26 ACHPR Principles on Access to Information in Africa 2020.

¹⁰² As above Principle 29.

This Study considered the recognition of the right to access environmental legislation in national laws, the availability and accessibility of information on climate laws, policies measures and impacts in The Gambia, as well as rightsholder’s experiences on equal access to environmental information.

The Gambia enacted the Access to Information Act in 2021 to ensure access to public information. This law establishes the Information Commission which is mandated to facilitate access of public information and protect the right of access to information under section 12. In line with the African Commission’s Principles, the Act requires proactive provision of information to the public, thus fulfilling the requirement for clear protection of the right in law.

While the law clearly provides for this right, and climate-related laws, policies and measures are generally accessible in the official language, on the internet and in hard copies, a large number of the population is not literate and does not have access to versions of the laws and policies in forms that they understand. Consequently, information is partially available.

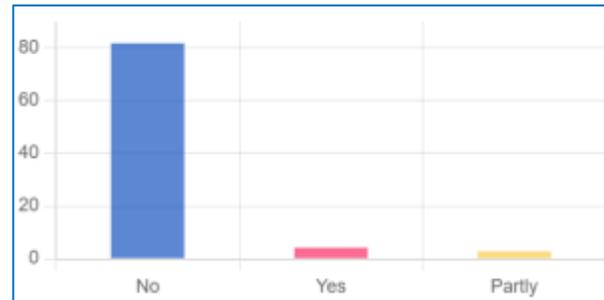
As a result of the gaps, access to information remains a challenge for rights holders. However, barriers were identified in seeking information in the following:

- i. Climate change-related activities, measures, including administrative measures, plans and programmes affecting or likely to affect the environment and natural resources.

The data from the rights holder responses shows that Eighty-One percent of respondents

indicated that they cannot easily access this information.

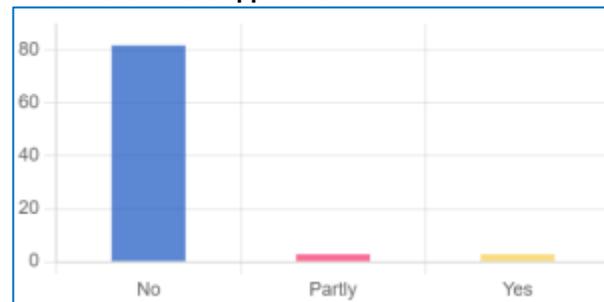
Figure 43: Access to information on climate change related activities, measures, plans and programmes affecting or likely to affect the environment and natural resources



- ii. Information about applications for permits, licences and authorisations for projects related to climate change as well as the reasoning and decisions for those applications

Eighty-One percent of respondents indicated that they could not find this information.

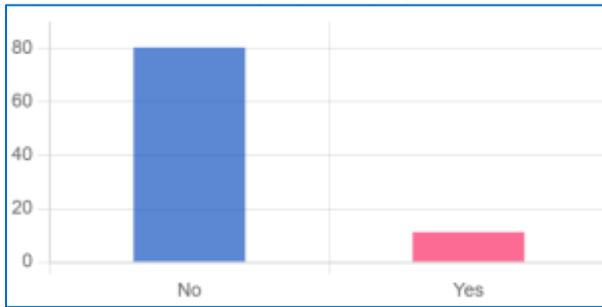
Figure 44: Access to information about applications for permits, licences and authorisations for projects related to climate change as well as the reasoning and decisions for those applications



- iii. Climate change impact assessments of proposed projects

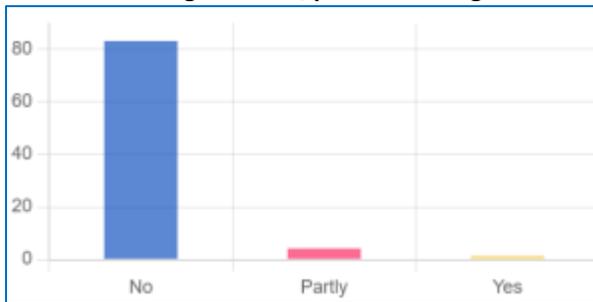
Eighty percent of respondents indicated that they could not get this information

Figure 45: Access to information on Climate change impact assessments of proposed projects



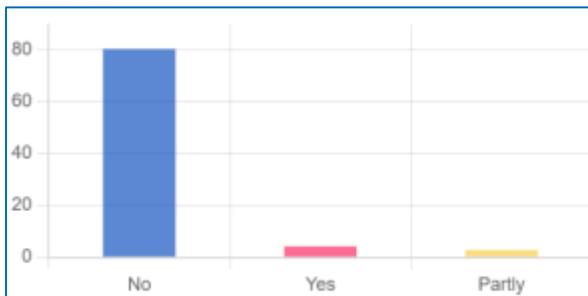
iv. Climate and environmental agreements, policies, legislation
83% of respondents indicated that were not able to access this information.

Figure 46: Access to information on climate and environmental agreements, policies and legislation



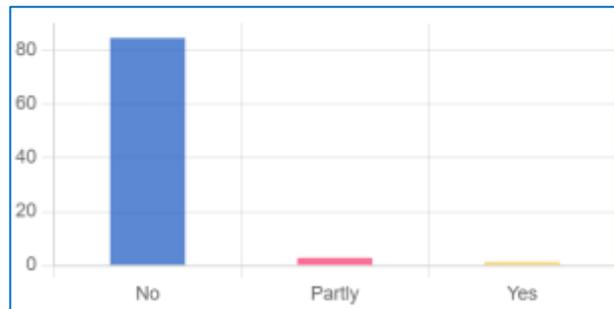
v. Impact assessments for climate change-related projects and measures
80% of respondents stated that they could not easily access this information.

Figure 47: Access to information on Impact assessments for climate change-related projects and measures



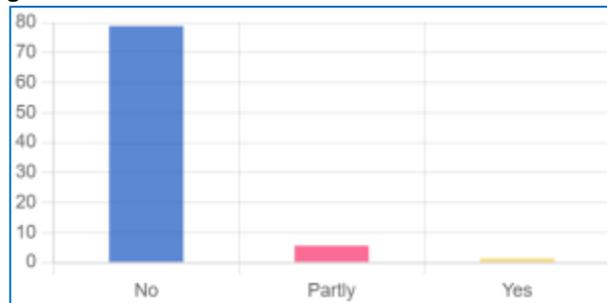
i. Information from periodic or ad hoc environmental assessments undertaken by state bodies
84% of respondents stated that they were unable to access this information.

Figure 48: Access to information from periodic or ad hoc environmental assessments undertaken by state bodies



i. Records from grievance mechanisms
78% of respondents indicated that they could not easily find this information.

Figure 49: Access to information on records from grievance mechanisms



The Gambia recognises the right to access information under the Access to Information Act, 2021. However, there are gaps in practice as rights holders indicated that they do not have adequate access to information on climate change laws, policies and measures. While the NDMA publishes occasional climate related incidents reports on their website, the information is mostly related to climate-induced disasters and responses led by the

Agency.¹⁰³ Similarly, MECCNAR publishes data and information on climate change related projects online and through billboards. These information sources and mostly in English and online information remains largely difficult to access for illiterate rights holders.

The Ministry of Information and the Information Commission should proactively enforce the Access to Information Act 2021. Further, MECCNAR, the Judiciary of The Gambia, Ministry of Justice, NDMA, Ministry of Local Government, Lands, and Religious Affairs and institutions that work on climate-related projects should ensure full access to information for rights holders including where necessary and feasible in languages that they understand.

ACCESS TO EFFECTIVE REMEDIES

Process Indicator: Possibility to appeal against government decisions regarding climate change-related policies, plans or projects through administrative and other mechanisms.

Process Indicator: Possibility to take legal action to litigate rights and seek remedies for infringement of rights due to climate change impacts and measures.

Article 2(3) of the ICCPR recognises the right to remedy and binds States Parties to ensure equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms. The African Charter does not provide specifically for the right to an effective remedy, but many believe that the

right lies in the fact that *ubi jus ibi remedium*: for the violation of every right, there must a remedy. In this regard, the view is that in a justiciable regime of rights such as that established by the Charter, the right to a remedy is so self-evident that it need not be specifically enshrined.¹⁰⁴ In The Gambia, the legal system provides for enforcement of human rights before the High Court and possible appeal to the Court of Appeal and Supreme Court. It should, however, be noted that several socio-economic rights such as the right to health, clean environment, food and water remain non-justiciable under the 1997 Constitution. The right to remedy is important in the context of climate change as rights holders can rely on this right to enforce other rights and ensure accountability.

To consider alignment with this right in the context of climate change, the Study examined the following:

- whether there is the possibility of appealing Government decisions regarding climate change-related policies and plans,
- whether legal action has been taken to litigate rights and seek remedies for infringement of rights due to climate change impacts and measures,
- whether there are violations of rights sanctioned by the judicial system
- experiences of redress, restitution and compensation for lands, territories and resources taken or damaged in the context of climate change measures, or for deprivation of means of substance due to climate change.

The study found that there remain challenges to the full enjoyment of this right. Due to the

¹⁰³ See <https://ndma.gm/>.

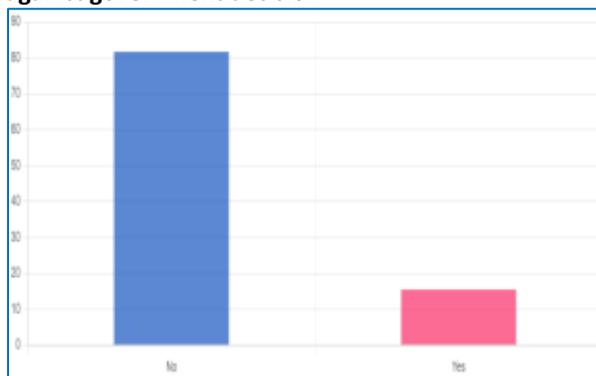
¹⁰⁴ GM Musila 'The right to an effective remedy under the African Charter on Human and Peoples' Rights'

AHRJ <https://www.ahrlj.up.ac.za/musila-gm> (accessed 10 September 2025).

non-justiciability of some climate change-related rights, some barriers to legal action remain. These barriers include non-recognition of rights, lack of financial resources, and low literacy levels. The Environmental Impact Assessment Regulations 2014, an administrative process allowing community objections to project implementation is provided through invitation of comments from the general public and conduct of public hearings where necessary.¹⁰⁵ In the event that the Executive Director of the National Environment Agency finds that a particular intervention or project affects the rights holders, the Director can require the project to be re-aligned with the human rights needs of the affected area or reject the application for approval. Appeals from the decisions of the Director lie with the Environment Management Council established under section 5 of the National Environment Management Agency.¹⁰⁶

In the community data collection, as shown in Figure 50, 82% of respondents indicated that they did not want to/or tried to appeal against a government decision regarding a climate-related policy, plan, or project through administrative or other (non-judicial) mechanisms and 15% stated that they attempted or wanted to appeal decisions.

Figure 50: Desired or attempted legal action to appeal against government decision

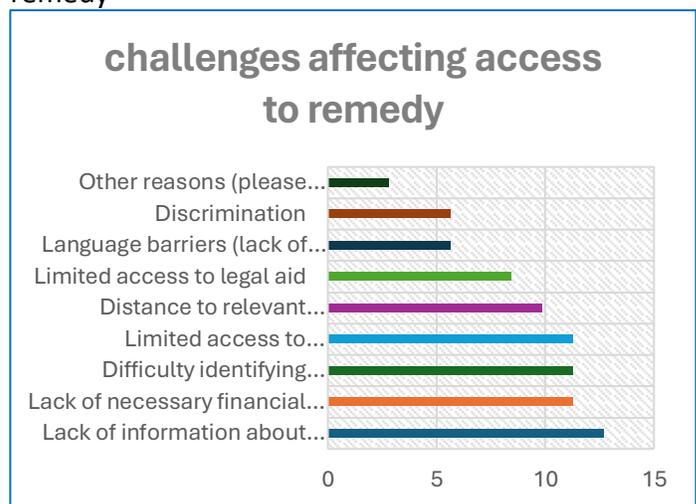


¹⁰⁵ See Parts III-V of the Regulations.

Respondents raised the following issues affecting access to remedy

- ✓ Lack of information about rights (12.6% of respondents).
- ✓ Lack of necessary financial resources (11.27% of respondents).
- ✓ Difficulty identifying responsible party or where to appeal (11.27% of respondents)
- ✓ Limited access to environmental information and scientific evidence necessary for the appeal (11.27% of respondents).
- ✓ Distance to relevant institutions (9.86% of respondents).
- ✓ Limited access to legal aid (8.45% of respondents).
- ✓ Language barriers (lack of interpretation and translation) (5.63% of respondents).
- ✓ Discrimination (5.63% of respondents).
- ✓ Other reasons (2.82% of respondents).

Figure 51: Challenges affecting access to remedy



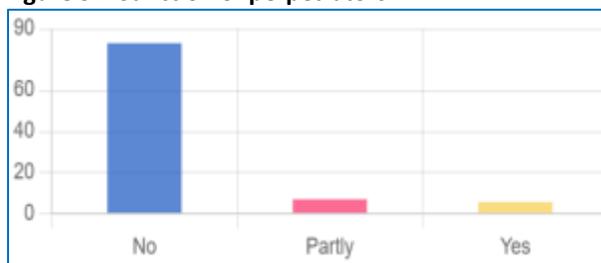
One respondent stated that ‘communities don't understand most of these policies and laws on climate change issues and that is

¹⁰⁶ Regulation 36.

affecting them a lot. There should be public awareness on climate change and human right related issues.'

In response to the question 'If you have experienced violations of your rights in the context of climate change projects or in the defence of your rights in the context of climate change in the last 5 years, have the perpetrators been sanctioned by the judicial system?', as shown in Figure 52, 83% respondents answered in the negative

Figure 52. Sanction of perpetrators



In terms of barriers to community legal action to litigate rights and seek remedies for infringement of rights due to climate change impacts and measures, respondents highlighted the following factors or a combination of them:

- ✓ Non-recognition of rights, including land and natural resource rights, by authorities (45.07% of respondents)
- ✓ Lack of necessary financial resources (42.25% of respondents)
- ✓ Low awareness in your community/people about rights and legal opportunities (36.62% of respondents).
- ✓ Difficulty identifying the party responsible for legal action (32.39% of respondents).
- ✓ Language barriers (lack of interpretation and translation) (28.17% of respondents).
- ✓ Discrimination (26.76% of respondents).

- ✓ Limited provision for legal standing in environmental matters affecting human rights (26.76% of respondents).
- ✓ Limited access to environmental information and scientific evidence necessary for legal action (26.76% of respondents).
- ✓ Limited access to legal aid (26.76% of respondents).
- ✓ Distance to judicial institutions (16.9% of respondents).

Challenges remain in accessing remedies for climate change related human right violations as some ESCR rights remain non-justiciable. The lack of judicial remedies for climate change related grievances, difficulty in identifying responsible parties, language barriers, and lack of information about rights came out as strong impediments to access remedies. Consequently, it is recommended that The Gambia create constitutional protection of rights linked to climate change, provide for judicial avenues to claim these rights, provide adequate information on procedural and practical avenues to claim these rights.



PART 3: CONCLUSION AND RECOMMENDATIONS



CONCLUSION

Climate change has emerged not only as an environmental crisis but as one of the gravest human rights challenges of the 21st Century. The jurisprudence reviewed across the European, Inter-American, and African human rights systems demonstrates a growing recognition that the impacts of environmental degradation and climate change directly undermine the enjoyment of fundamental rights such as the rights to life, health, food, housing, participation, and effective remedy. Although Africa has fewer precedents compared to Europe and the Americas, cases such as *SERAC v. Nigeria* and *Endorois v. Kenya* illustrate that regional bodies are willing to extend human rights protections to climate and environmental contexts.

Yet, a consistent gap persists between norm recognition and effective enforcement. Many African States lack robust domestic mechanisms to translate international obligations into meaningful climate action, leaving vulnerable communities exposed to existential risks. In The Gambia, human rights continue to suffer the effects of climate change and climate impacts as climate-related measures and policies are restricting or harming the enjoyment of human rights in The Country. There are significant gaps in the legal and policy frameworks as well as in interventions in human rights enjoyment in The Gambia. Majority of the human rights obligations assessed in the Study are in the yellow zone in both state commitments and lived experiences of rights holders indicating some issues with compliance by The Gambia.

The Gambia should, therefore, intensify the enforcement and implementation of its duties, under both international and domestic law, to mitigate emissions, adapt policies, ensure

meaningful participation, and provide remedies to those whose rights harmed by climate related events. Advancing climate justice requires not only political will, but also institutional reform, and sustained engagement.

RECOMMENDATIONS

Based on the above findings, the following recommendations are made.

General recommendations

- a. The Gambia should mainstream Disaster Risk Reduction (DRR) into all climate-relevant sectors.
- b. The Ministry of Transport, Works and Infrastructure and the Department of Physical Planning should ensure investing in resilient infrastructure and enhance land use planning.
- c. The Department of Water Resources should improve meteorological forecasting and provide more accurate predictions of climate-related phenomena including storms, droughts and other disaster engendering events.
- d. The Ministry of Finance should implement risk-sensitive budgeting and require all relevant MDA's to adopt this approach to budgeting.
- e. MECCNAR, the Judiciary of The Gambia, Ministry of Justice, NDMA, Ministry of Local Government, Lands, and Religious Affairs and institutions that work on climate-related projects should ensure full access to information for rights holders including where necessary and feasible in

languages that rights holders understand.

- f. MECCNAR should improve domestic resource mobilization to complement foreign contributions in climate financing.

Legal Reforms

- a. The National Assembly and the Ministry of Justice should consider reviving the 2020 Draft Constitution as it explicitly recognises and make justiciable the right to food, water and other economic, social, and cultural rights, as provided in the ICESCR, African Charter and other international instruments.
- b. The National Assembly should repeal the Public Order Act and align the country's legal framework with international standards for peaceful assembly.
- c. The National Assembly of The Gambia should enact law on protection of human rights defenders.
- c. The National Assembly of The Gambia should enact law formally recognizing the right to food within the legal framework, affirming the state's obligation to ensure access to adequate, nutritious, and culturally appropriate food and align existing agricultural, land, and nutrition policies with human rights standards
- d. The State should provide for the constitutional protection of the right to social security and in line with the Social Protection Act, 2024 create nondiscriminatory and non-

contributory social protection schemes in the context of climate change.

Policy Measures and Implementation

- e. All Ministries, Departments and Agencies should ensure that climate policies and actions align with human rights standards, ensure meaningful participation of rights holders in climate policy making and in the design of specific interventions, ensure non-discrimination, and accountability for climate financing and transparency.
- f. The National Disaster Management Agency (NDMA) should conduct thorough risk assessments that consider vulnerability and frequency of climate related disasters and implement a robust response strategy.
- g. The NDMA should implement and maintain effective systems to proactively alert communities through appropriately accessible channels to impending disasters and emergencies.
- h. The National Nutrition Agency (NaNA) should develop and adopt a comprehensive food and nutrition policy to streamline policies on agriculture, land, planning, finance, and other sectors that would contribute to the realisation of the Right to Food.
- i. The Ministry of Environment Climate Change and Natural Resources should fast-track the development of the National Climate Change Adaptation Plan that consolidates all adaptation policy efforts from other ministries and agencies.

- j. The Ministry of Environment Climate Change and Natural Resources should ensure that the National Adaptation Plan adopts a rights-based approach including meaningful participation approaches, and targeted measures for different vulnerable rightsholder groups.
- k. The National Disaster Management Agency should align streamline climate resilient housing and climate disaster food relief into their annual interventions while ensuring alignment with affordability, accessibility, quality and nondiscrimination standards.
- l. The Ministry of Fisheries and Water Resources should thoroughly implement the integrated Water Resource Management Strategy that considers the entire water cycle, including surface and groundwater resources, to ensure sustainable development and equitable provision of water for all.
- o. The Ministry of Fisheries and Water Resources should direct interventions and resources towards the most vulnerable and marginalized communities to guarantee access to safe, acceptable, and affordable water without discrimination.
- p. The Gambia through the Ministry of Petroleum and Energy should increase the use of solar and wind power for electricity generation and expand solar-powered water infrastructure in rural/riverine areas to minimise use of contaminated water.
- q. The Ministry of Fisheries and Water Resource should adopt an Integrated Water Resources Management (IWRM) approach that includes climate change adaptation.

Awareness raising

Interventions

- m. The Ministry of Agriculture, Ministry of Gender, Children & Social Welfare, and NaNA should take urgent measures to address chronic food insecurity, chronic malnutrition, and the critical nutritional needs of marginalized and disadvantaged groups, particularly children, and provide immediate support to them.
- n. The Gambia should integrate Disaster Risk Reduction into development, invest in resilient infrastructure, create effective early warning systems, and foster community-based resilience.
- r. The NHRC and its partners should launch comprehensive awareness campaigns to educate the public on climate change and human rights.
- s. Civil Society Organisations including The Association of Non-Governmental Organisations should embark on climate change and human rights nationwide sensitization programmes.

ANNEX

Traffic Light System

General Human Rights Obligations

Structure Indicator: Existence of Mitigation Policies		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
The state has national mitigation policies that explicitly address the emission of greenhouse gases		

Process Indicator: Implementation of mitigation targets, policies and action		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	The adaptation plan is being developed	

Process Indicator: Implementation of initiatives and programmes for climate change adaptation targeted groups in vulnerable situations		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Some projects and initiatives are being implemented. However, they only partially target the climate change adaption needs of groups in vulnerable situation.	

Structure Indicator: Existence of a national development plan which integrates the impacts and risks of climate change for groups in vulnerable situations		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	National development plan mentions impacts and risks of climate change but does not address risks for specific groups in vulnerable situations	

Disaster Risk Reduction and the right to life

Structure Indicator: Existence of a national disaster risk reduction strategy in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 (SDG indicators 1.5.3, 11.b.1 and 13.1.2.)		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
A national disaster risk reduction strategy exists		

Process Indicator: Implementation of initiatives and programmes to address climate disaster-related risks and impacts for groups in vulnerable situations		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	There are some but not sufficient initiatives under implementation and they only partially address climate disaster-related risks and impacts for groups in vulnerable situations	

Outcome Indicator: Threats to and/or judicial prosecution of human rights defenders in the context of climate change (over the last 5 years)		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Threats and/or examples of prosecution

Outcome Indicator: Prevalence of disease or health disorders with a possible link to changing climate conditions		
<input type="checkbox"/> No human rights harm	<input type="checkbox"/> Some/potential harm	<input type="checkbox"/> human rights harm
		Significant negative change

Outcome Indicator: Number of deaths, missing and directly affected persons attributed to climate-related disasters per 100,000 population (SDG Indicator 1.5.1. and 11.5.1 and 13.1.1)		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Several incidents/ severe damage

Right to liberty and Security of The person

Right to Water

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harm to the right to water		
<input type="checkbox"/> No human rights harm	<input type="checkbox"/> Some/potential harm	<input type="checkbox"/> human rights harm
	Climate change-related laws and policies mention impacts on water access but do not address impacts on different groups or adequately reflect human rights standards	Significant negative change

Right to highest attainable standard of health

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to the highest attainable standard of health		
<input type="checkbox"/> No human rights harm	<input type="checkbox"/> Some/potential harm	<input type="checkbox"/> human rights harm
		Climate change-related laws and policies do not address impacts on health on different groups or reflect human rights standards

Process Indicator: Implementation of initiatives and programmes to ensure the accessibility, quality and affordability of safe and clean drinking water

<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	There are some but not sufficient initiatives under implementation and they only partially address climate risks to water access for different groups	

Outcome Indicator: _ Enjoyment of the right to water in the context of climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Severe/frequent experiences of water shortage or poor water quality and no support to those in need

Right to Adequate Food

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to food		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
Climate change-related laws and policies address impacts on food security for different groups and reflect human rights standards		

Process indicator: Implementation of initiatives and programmes to ensure adequacy and sustainability of food availability and access in the context of climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	There are some but not sufficient initiatives under implementation and they only partially address climate risks to food security for different groups	

Outcome Indicator: Enjoyment of the right to adequate food in the context of climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Severe/frequent experiences of food shortage or poor water quality and no support to those in need

Right to adequate Housing

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to adequate housing		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Climate change-related laws and policies do not address impacts on housing for different groups or reflect human rights standards

Process Indicator: Implementation of initiatives and programmes to protect the right to housing of those affected by climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		There are no or completely insufficient initiatives under implementation to address climate risks to housing for different groups

Process Indicator: Implementation of initiatives and programmes to protect the right to housing of those affected by climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		There are no or completely insufficient initiatives under implementation to address climate risks to housing for different groups

Outcome Indicator: Enjoyment of the right to adequate housing in the context of adverse climate change impacts		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Some issues related to housing conditions and some gaps in support	

Outcome Indicator: Incidents of dispossession, displacement or relocation due to climate change-related measures and projects without due process		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Incidents with a few gaps in terms of due process	

Right to work and just and favourable conditions of work

Structure Indicator: Existence of climate change-related laws and policies that address foreseeable harms to the right to work and to just and favourable conditions of work		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Climate change-related laws and policies mention impacts on different sectors of the economy and working conditions but do not address impacts or adequately reflect human rights standards	

Outcome Indicator: Impacts of climate change on working conditions		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Some minor negative changes in working conditions due to climate change	

Right to social security

Structure Indicator: Existence of climate change-related laws and policies that address social security		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Climate change-related laws and policies mention social security but do not address the needs of different groups or adequately reflect human rights standards	

Outcome Indicator: Equal access to social security schemes in the context of climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Significant gaps in access to social protection programmes and inadequacy of support

Cultural rights

Structure Indicator: Protection of cultural heritage from the adverse impacts of climate change		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Climate Change-related laws and policies do not mention or recognize the need to protect cultural heritage

Outcome Indicator: Changes in the practice of cultural, spiritual and religious traditions, customs and ceremonies in the context of climate change-related impacts		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		Significant negative change due to climate change and poor support

Right to land and natural resources for peasants and other people living in rural areas

Structure Indicator: Recognition of the rights of peasants and other people living in rural areas to land and natural resources in climate change-related policies and laws		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
Indigenous Peoples' rights to lands, territories and natural resources are recognized and reflected in climate change-related policies without discrimination		

Outcome Indicator: Effective control over lands, territories and resources		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Some minor negative impacts on land and natural resource access due to climate-change related activities	

Right to Peaceful Assembly

Structure Indicator: Recognition of the right to peaceful assembly in law		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	The right to freedom of peaceful assembly is recognised but there are some contradictions within frameworks.	

Outcome Indicator: Incidents of suppression of peaceful assembly in the context of climate change contrary to international human rights law in the last five (5) years		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Very few or minor temporary restrictions on the right to peaceful assembly (related to climate change or climate	

Right to Participation

Structure Indicator: Procedures or mechanisms for State consultation with rights-holders at national, sub-national and local levels		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Consultation mechanisms exist at some levels	

Process Indicator: Meaningful participation of rights-holders in the design, implementation, monitoring of climate change-related laws, policies, plans, and projects		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	There has been meaningful participation of rights-holders in some processes but quite a few gaps remain	

Process Indicator: Rights-holder participation in impact assessments prior to approval of climate change-related projects		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
		No meaningful participation in impact assessments

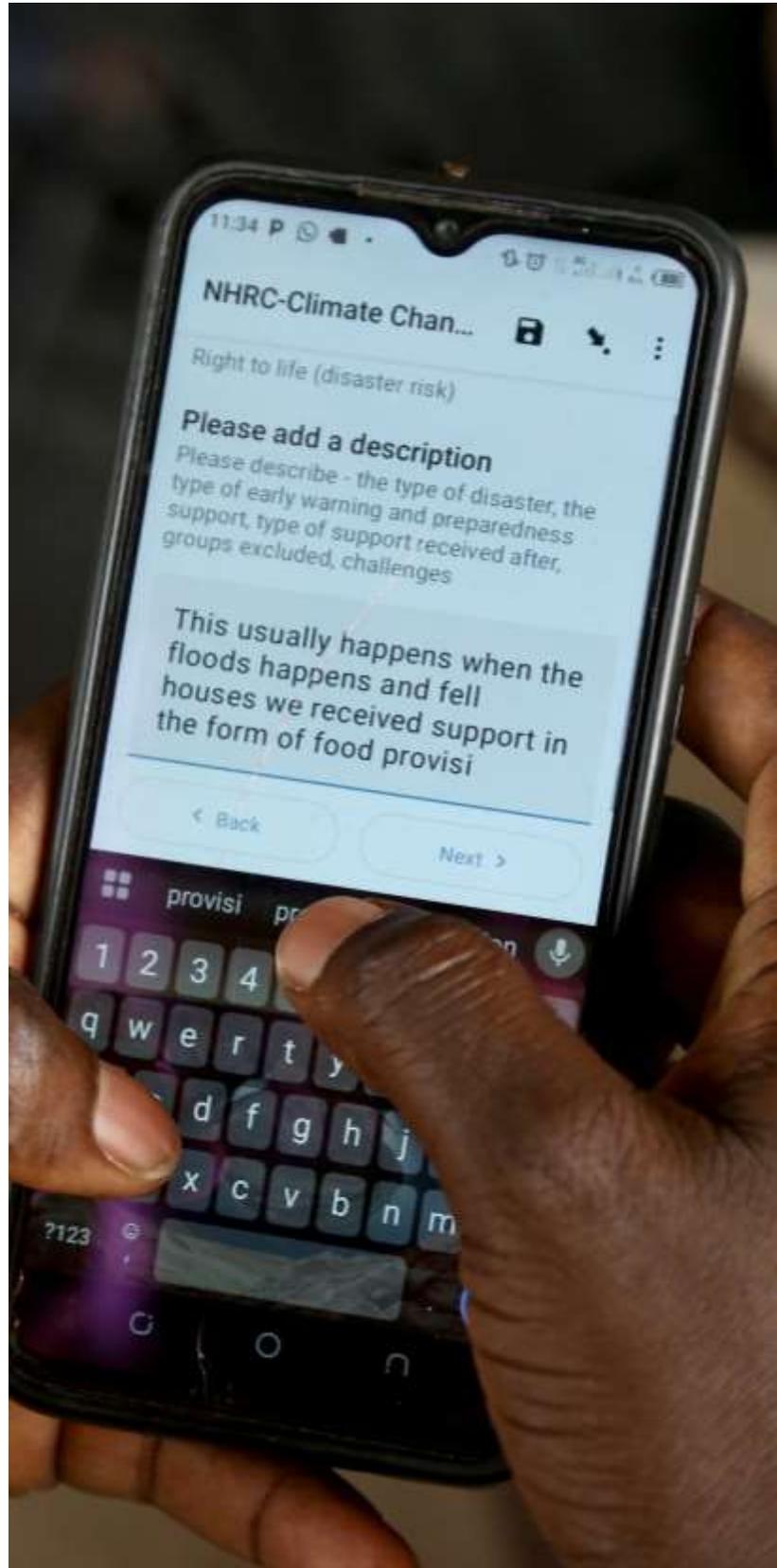
Right of Access to Information

Structure Indicator: Recognition of the right of access to information in national legislation		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
Clear recognition of the public right to access government information		

Process Indicator: Availability and accessibility of information on climate laws, policies, measures and impacts		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Information is partially available (some gaps)	

Process Indicator: Possibility to appeal against government decisions regarding climate change-related policies, plans or projects through administrative and other mechanisms		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Legislative frameworks provide for a right to appeal but there are no clear measures in place to ensure effective non-legal mechanisms/some gaps	

Process Indicator: Possibility to take legal action to litigate rights and seek remedies for infringement of rights due to climate change impacts and measures		
<input type="checkbox"/> Human rights compliance	<input type="checkbox"/> Some issues related to compliance	<input type="checkbox"/> Not human rights compliant
	Some barriers to legal action	



National Human Rights Commission (NHRC)

July 2025