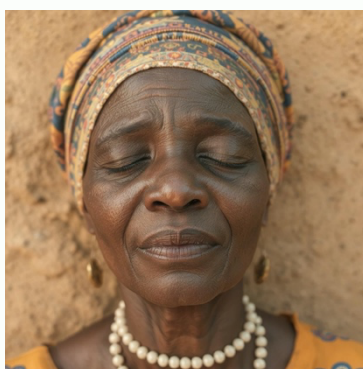




# **Convention on the Rights of Persons with Disabilities-Compliant Budgeting Guidelines to Support the Implementation of Persons with Disabilities Act, 2021**

**June 2024**



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**National Secretariat,**  
P.O. Box 2858,  
Kotu (opp. DSTV)  
The Gambia

Tel: (220) 3353110/ 5200263/ 3353107/ 3353106

Email: [es@gm-nhrc.org](mailto:es@gm-nhrc.org)

Web: [www.gm-nhrc.org](http://www.gm-nhrc.org)

Twitter: [@NHRCGambia](https://twitter.com/NHRCGambia)

Facebook: [@NHRCGambia](https://www.facebook.com/NHRCGambia)

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## Acronyms

<b>CPA</b>	-	Child Protection Alliance
<b>CRPD</b>	-	Convention on the Rights of Persons with Disabilities
<b>CSOs</b>	-	Civil Society Organisations
<b>DSW</b>	-	Directorate of Social Welfare
<b>FGDs</b>	-	Focus Group Discussions
<b>GADHOH</b>	-	Gambia Association of the Deaf and Hard-of-Hearing
<b>GAPD</b>	-	Gambia Association of the Physically Disabled
<b>GBoS</b>	-	Gambia Bureau of Statistics
<b>GFD</b>	-	Gambia Federation of the Disabled
<b>GOVI</b>	-	Gambia Organisation of the Visually Impaired
<b>LGAs</b>	-	Local Government Authorities
<b>LRR</b>	-	Lower River Region
<b>MDA</b>	-	Ministries, Departments and Agencies
<b>MoBSE</b>	-	Ministry of Basic and Secondary Education
<b>MoFEA</b>	-	Ministry of Finance and Economic Affairs
<b>MoGCSW</b>	-	Ministry of Gender, Children and Social Welfare
<b>MoH</b>	-	Ministry of Health
<b>MoHERST</b>	-	Ministry of Higher Education, Research, Science and Technology
<b>MoJ</b>	-	Ministry of Justice
<b>MoPS</b>	-	Ministry of Public Service
<b>NBR</b>	-	North Bank Region
<b>NCCE</b>	-	National Council for Civic Education
<b>NDAC</b>	-	National Disability Advisory Council
<b>NHRC</b>	-	National Human Rights Commission
<b>NDP II</b>	-	Recovery Focused National Development Plan II (YIRIWA)
<b>OPDs</b>	-	Organisation of Persons with Disabilities
<b>PMO</b>	-	Personnel Management Office
<b>UN CRC</b>	-	United Nations Convention on the Rights of the Child
<b>UNFPA</b>	-	United Nations Population Fund
<b>UNICEF</b>	-	United Nations Children's Fund
<b>URR</b>	-	Upper River region
<b>WB</b>	-	World Bank

## Foreword

The National Human Rights Commission (NHRC) is an independent ‘A’ status NHRI in line with the Paris Principles. The Commission was established by an Act of the National Assembly in 2017 to promote and protect human rights in The Gambia. In particular, Section 12 of the NHRC Act empowers the NHRC to, assist the government in formulating appropriate policies to guarantee human rights, publish guidelines, manuals and other appropriate materials to explain the obligations of public officials in the protection of human rights and adopt best practice guidelines and policies on human rights.

In July 2015, The Gambia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). In 2021, the National Assembly enacted the Persons with Disabilities Act domesticating the UNCRPD. As part of its obligation to enhance the enjoyment of human rights by Persons Living With Disabilities (PWDs), the Government is required to incorporate the general principles and obligations of the UNCRPD which include, accessibility, respect, equality, inclusion and acceptance in its budgeting process. To achieve this, it must allocate adequate budgetary resources for the effective implementation of the Disability Act of 2021. Consequently, with support from UNICEF through the UNPRPD, the NHRC in collaboration with NCCE and the Ministry of Gender, Children and Social Welfare recruited a consultant to develop the said guidelines.

It is expected that these disability-compliant budgeting guidelines will support Government institutions particularly Ministries, Departments, Agencies and Local Government Authorities to integrate a disability perspective into all stages of the budget and public policy life cycle in a bid to ensure the allocation of sufficient resources to enhance the enjoyment of human rights by Persons Living With Disabilities (PWDs). These guidelines can also be utilised by the Advisory Council for Persons with Disabilities, and Organisations with oversight responsibilities, the Private Sector and Development Partners.

With these guidelines, the NHRC urges stakeholders such as Organisations of Persons with Disabilities (OPDs) and Civil Society Organisations (CSOs), to utilise these guidelines in advocating for the government to provide sufficient budget allocation to its ministries and Agencies to ensure that the Persons with Disability Act 2021 is implemented.

## Acknowledgements

The National Human Rights Commission (NHRC) extends its sincere appreciation to the National Council for Civic Education (NCCE), our project implementing partner, and the Gambia Federation of the Disabled (GFD) for their immeasurable support during the development of the CRPD-Compliant Budgeting Guidelines to support the implementation of the Persons with Disabilities Act 2021.

We also extend our gratitude to all the stakeholders, including Government Ministries, Agencies and Departments, Organisations of Persons with Disabilities, CSOs, NGOs and development partners who supported the data-gathering process which has informed the guidelines that have been developed.

Special thanks to the Technical Committee for its invaluable support in the coordination of the consultancy, reviewing and validating the deliverables and providing technical guidance to the Consultant.

We appreciate the institutions and organisations that participated in the validation workshop and the regional consultations to popularise the Guidelines. Through this various support, the Commission was able to develop and popularise the Guidelines. We are grateful for the support from UNICEF through the UNPRPD, which made it possible to undertake this process.

We extend our appreciation to Mr. Omar Jobe, the Consultant, for undertaking this assignment and developing the Guidelines.

It is our hope that this Guidelines will be utilised accordingly by all the Ministries, Departments and Agencies to greatly enhance the enjoyment of human rights by persons with disabilities. For its part, the NHRC will use the Guidelines as an advocacy tool to ensure budgeting adequately takes into consideration the needs of persons with disabilities.

We express our profound appreciation and sincere gratitude to the public for its continued confidence, trust and support to our work. As a public entity, we will continue to serve the best interest of the public and also strive to ensure that Persons with Disabilities enjoy their fundamental human rights and freedoms.



## Executive Summary

The Gambia promulgated the Persons with Disabilities Act in July 2021 to implement the Convention on Rights of Persons with Disabilities (CRPD). The Act makes provisions for the health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment and work protection and promotion of basic rights for persons with disabilities. However, since the enactment of the legislation in 2021, most of the necessary steps have not been taken for its effective implementation and enforcement.

In a modern State, the National Budget is regarded as the second most important national policy document after the Constitution. It determines Government's development programmes and spending priorities for the year. Thus, cognisant of the importance of the National Budget in the realisation of human rights, the National Human Rights Commission (NHRC) has developed this disability-compliant budgeting guidelines to support the Government effectively operationalize the Persons with Disabilities Act 2021.

The Persons with Disabilities Act 2021 has stipulated the obligations of the Government Ministries, Departments and Agencies (MDAs), Local Government Authorities (LGAs), and the Private Sector for its effective implementation. However, apart from section 33 (6)(k) of the Persons with Disabilities Act 2021 which stipulates that not less than 10 percent of all educational expenditure should be committed to the educational needs of persons with disabilities at all levels, the Act did not categorically state what percentage of the national or Local Government budgets should be spent on disability inclusion programmes. By leaving out such a critical provision to the discretion of the Government and the Local Government Authorities, the Act makes it difficult to hold the Government to account using specific metrics and indicators. It is evident that to effectively and comprehensively implement the Act, enough funds will have to be collected and spent on projects and programmes that promote disability inclusion. To raise such funds, the State will have to use different levers, including taxation to meet its revenue targets.

There is no recent comprehensive national study on the situation of persons with disabilities in The Gambia. The last study undertaken on the subject matter with funding from the Netherlands Government through the United Nations Children's Fund (UNICEF) was conducted in 1998 and shows a prevalence rate of 1.6 percent. The study examined disability at the household level and the integration of children with disabilities in mainstream schools. In the 2003 and 2013 Population and Housing Censuses, a module on disability was included which shows a prevalence rate of 2.4 percent and 1.2 percent respectively.

In terms of disability inclusion in society and in public life, a number of significant obstacles persist and are negatively affecting the participation of persons with

disabilities. The challenges include the lack of access to assistive devices<sup>1</sup>; the lack of access to most public buildings<sup>2</sup>; the lack of access to certain basic social services; the unavailability of enough sign language interpreters<sup>3</sup> for the hard-of-hearing; the lack of braille printing as well as access to information; the lack of access to financial instruments<sup>4</sup> and the degrading stereotypes that persons with disabilities have to constantly deal with. Reinforcing the principles of non-discrimination and participation of persons with disabilities in community and national matters through legislation and policy advocacy is urgent. That should be accompanied by lobbying and advocacy by oversight institutions and Civil Society Organisations, including Organisations of Persons with Disabilities. The voices of persons with disabilities must be heard when issues of national importance are discussed and also because they are the principal experts when it comes to understanding the challenges faced by persons with disabilities. “Nothing about us without us” is increasingly becoming the mantra of persons with disabilities. The voices of persons with disabilities and their organisations must always be heard and given due consideration in national discourses and development initiatives, especially on issues and challenges, facing persons with disabilities.

The Persons with Disabilities Act 2021 covers a broad spectrum of thematic areas and obligates the Government to prohibit all forms of discrimination based on disability and guarantee equal and effective legal protection against discrimination. The Act makes provisions for health care, social support, accessibility, rehabilitation, education, vocational training, communication, employment and work protection and promotion of basic human rights for persons with disabilities. Currently, there is no formal mechanism or process at the Ministry of Finance for active consultation with and inclusion and participation of persons with disabilities or their organisations in the budget processes. In line with the 'leave no one out' principle, there is the need for policy reform to create the environment for the meaningful consultation of persons with disabilities in the budget processes.

These Guidelines on disability-compliant budgeting are intended for a wide spectrum of stakeholder groups, particularly the Government (Ministries, Departments and Agencies), Local Government Authorities and the Private Sector. It could also be used by Organisations with oversight responsibilities such as the NHRC and the Advisory Council for Persons with Disabilities, Development Partners, Civil Society Organisations (CSOs), and Organisations of Persons with Disabilities (OPDs).

From a disability-compliant budgeting perspective, only small steps have been taken by the Gambia Government thus far since the enactment of the Persons with Disabilities Act in 2021. That is evidenced by the introduction of a few budget lines that specifically address disability. However, the Ministry of Finance and Economic Affairs (MoFEA)

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<sup>1</sup> Wheelchairs, crutches, hearing aids, etc.

<sup>2</sup> Availability of ramps, lifts, disability friendly toilets, etc.

<sup>3</sup> Presently, there are only six (6) sign language interpreters in the country – three (3) who are well experienced and three (3) that are undergoing training.

<sup>4</sup> Loan facilities, cash assistance and access to micro-finance instruments

intends to have specific markers or coding in the national chart of accounts to promote disability inclusion and to make it easy to track disability-compliant expenditures<sup>5</sup>.

Most public buildings are not accessible to persons with disabilities, which in essence is discriminatory. Implementing universal design and reasonable accommodation measures are core requirements set out in the CRPD and the Persons with Disabilities Act 2021. Thus, the Act should be enforced to ensure all public buildings and public infrastructure are disability-friendly. It would also require conducting audits of public buildings to know how disability accessible they are and having a post-legislative scrutiny of the Persons with Disability Act 2021. Currently, most public buildings do not have ramps, elevators and disability-friendly toilet facilities, thus rendering the concept of RECU - **Reach, Entry, Circulation and Use** of public space for persons with disabilities somewhat challenging. Similarly, people with sensory, psychosocial and intellectual disabilities also face constraints in accessing assistive technologies that enable them to have a better quality of life. The twin-track approach adopted by organisations like the United Nations Relief and Works Agency (UNRWA) for disability inclusion is increasingly being seen as “the new normal” – which if adopted, will be the game changer in terms of disability management and governance. The approach involves: (i) ensuring that all mainstream programmes and services are inclusive and accessible to persons with disabilities, and (ii) providing targeted disability-specific support services to persons with disabilities.

Institutions such as the National Human Rights Commission (NHRC) and the UN Agencies are supporting The Gambia Government in its efforts to promote the full and effective inclusion and participation of persons with disabilities. The NHRC, through the financial support of UNICEF, has developed this CRPD-compliant budgeting Guidelines to be utilised by the relevant Government Ministries, Departments, and Agencies when developing their sector budgets. Training on the budget cycles of the Government and the Local Governments will put stakeholders in good stead to understand the entry points for holding duty-bearers accountable. It is important to involve persons with disabilities from the planning, execution and monitoring stages of the Budget cycle and throughout the development process for them to take ownership. Article 4(3) of the CRPD provides that “in the development and implementation of legislation and policies to implement the present Convention, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.”

Accessibility measures for the inclusion of persons with disabilities have not yet been mainstreamed by the different sectors. This shortcoming has made it difficult for persons with disabilities to freely access certain public spaces. To support the disability agenda, the Government should put in place regulations that emphasize that any goods or services to be procured through government contracts must consider access of person with disabilities to avoid discrimination. Additionally, people involved in procurement must include issues of non-discrimination in their contracts to promote inclusion. They

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<sup>5</sup> The respondent preferred to leave it vague for now without volunteering any specific date and be held accountable for it.

must also make sure that the building plans submitted to the Department of Physical Planning are disability-compliant before final approval is granted. All the sectors/MDAs have a role to play in that, hence the development of specific budget lines to give stakeholder groups the tools for engaging with public budgets both at the national and Local Government Authority levels.

## Chapter 1: Introduction and Methodology

In July 2015, The Gambia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) - the Convention that sets out States' obligations for the protection and realization of all the civil, political, cultural, social and economic rights of persons with disabilities. The country subsequently domesticated the instrument through the enactment of the Persons with Disabilities Act (2021). With the passing of this comprehensive legislation, The Gambia Government commits itself to investing substantial resources, including adequate budgetary allocations, to promote, protect and fulfil the rights of persons with disabilities in the country. Ministries, Departments and Agencies (MDAs) are supposed to be the vehicles to achieve that objective with support from development partners. Other duty bearers, including the Local Government Authorities and Non-State Actors (CSOs and Private Sector Organisations) are expected to complement the efforts of the Government in implementing disability inclusion policies, projects and programmes. Whilst the Government has good intentions taking a cue from its policy pronouncements, it takes much more than words and statements of intent to deliver the impactful services that, if implemented and sustained over time, will significantly transform the lives of persons with disabilities in the country. The Act, however, did not indicate what percentage of the national budget the government should spend on disability programmes. In that regard, it follows the prescriptions of the CRPD that enjoins every State Party to **take measures to the maximum of its available resources** to implement the Convention. Experts in disability governance have explained that “compliance with the CRPD standards implies that both in the planning process and the execution of public budget, provisions of the CRPD are strictly adhered to”<sup>6</sup>.

According to Alexandre Cote and Mikheil Kukava (2019)<sup>7</sup>, taking measures to the maximum of a country's available resources implies making the public finance management system contribute to the realization of all human rights of all persons with disabilities as specified in the CRPD, and using all available instruments (transfers, public procurement, grants, contracts, tax expenditures, etc.). The authors further noted that “policy commitments without sufficient, adequate and effective resource allocation, as well as appropriate financing schemes, inevitably result in poor implementation and outcomes as has been the case in the disability policies of most countries for several decades”. Like the MDAs of the central Government, the Local Government Authorities also are yet to incorporate or mainstream the Persons with Disabilities Act 2021 in their programming and budgeting processes.

Another significant challenge in relation to disability inclusion is that there is no recent comprehensive national study on persons with disabilities in The Gambia. The last study that was undertaken on the subject with funding from the Netherlands Government through United Nations Children's Fund (UNICEF) was in 1998. Since then, modules have been included in the 2003 and 2013 Population and Housing

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<sup>6</sup> Disability Inclusion Guidelines, UNWRA (2017)

<sup>7</sup> Making the Most of Public Resources for Full Inclusion and Participation of People with Disabilities in Georgia (2019)

Censuses but all of them fell short of providing data on the actual number of persons with disabilities in the population of The Gambia, the types of disabilities and the geographical prevalence of disabilities. The lack of comprehensive data makes planning for disability inclusion difficult. Furthermore, due to myths and cultural considerations, persons with severe disabilities are often hidden within the family and are therefore unaccounted for in the national statistics. According to the Disability Report published by the Gambia Bureau of Statistics (GBoS) as part of the 2013 Population and Housing Census, the prevalence rate of persons with disabilities stood at 1.2 per cent, with physical disability accounting for 0.4 per cent followed by seeing difficulty at 0.3 per cent. The ongoing Population and Housing Census (2024) incorporated the Washington Group's Recommendations on Disability Statistics. The Washington Group Short Set (WGSS) of questions<sup>8</sup> will provide a good insight on persons with disabilities in the country and will go further to disaggregate census indicators by disability. That data will inform planning in the coming years ahead.

The Situational Analysis of the Rights of Persons with Disabilities<sup>9</sup> (2021) is unequivocal: the Advisory Council established by the Persons with Disabilities Act can only be effective if “timely and accurate statistical data on the situation of persons with disabilities” is guaranteed. In terms of disability inclusion in society and public life, several significant obstacles persist and are negatively affecting the participation of persons with disabilities in socio-economic development. These obstacles include the lack of access to assistive devices; inaccessibility of public buildings; the lack of access to certain basic social services; difficulty accessing sign language interpreters for the hard-of-hearing; difficulty accessing financial instruments and degrading stereotypes faced by persons with disabilities. All these constraining factors contribute to the deepening of the alienation and exclusion of persons with disabilities. To overcome these hurdles, likeminded institutions of and for persons with disabilities need to lobby and advocate for disability inclusion and to vigorously fight against existing stereotypes and prejudices. Thus, mainstreaming disabilities in the legal, policy and programmatic frameworks of the public service in general, is urgent and will make a difference in the socio-economic development of the country. There is evidence to suggest that persons with disabilities are disproportionately affected by poverty. Some of the studies undertaken on the subject are highlighted below for further reference<sup>10</sup>.

### ***Definitions of Disability:***

The development of this Budgeting Guidelines Compliant with the Convention on the Rights of Persons with Disability to Support the Implementation of the Persons with Disabilities Act is essential for the realisation of the human rights of persons with disabilities in the country. It explicitly recognizes the need to contextualize and localize the issue of disability inclusion to the peculiar situation of The Gambia. A Person with a Disability is defined in both the Convention on the Rights of Persons with Disabilities

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<sup>8</sup> The methodology captures the six core domains on disability (i.e. seeing, hearing, walking, cognition, self-care, and communication)

<sup>9</sup> [https://unprpd.org/new/wp-content/uploads/2023/12/CR\\_Gambia\\_2021-9a7.pdf](https://unprpd.org/new/wp-content/uploads/2023/12/CR_Gambia_2021-9a7.pdf)

<sup>10</sup> Disability, Poverty and Development, Disability and Poverty: Two related conditions: a review of the literature, Disability and Socio – economic status; Journal of Disability Policy Studies

(CRPD) and the Persons with Disabilities Act, 2021, albeit, differently. The former stopped short of defining “disability” as a concept whilst the latter defines it as follows: **“Disability”** means physical, mental, Intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others.

Article 1 of the UN Convention on the Rights of Persons with Disabilities (CRPD) states that persons with disabilities “include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. The Gambia’s Persons with Disabilities Act (2021) mirrors this definition. It defines a ‘Person with a disability’ as “a person with a physical, intellectual, sensory or mental impairment and whose functional capacity is limited by encountering attitudinal, environmental and institutional barriers”. This represents a clear example of concurrence or alignment and the fact that the Persons with Disabilities Act (2021), which is equally comprehensive in terms of scope, reflects the thematic areas and ideals of the Convention on the Rights of Persons with Disabilities (CRPD). Both legal instruments state that persons with disabilities have the same rights as all other persons which must be upheld to demonstrate respect for human dignity.

The Persons with Disabilities Act 2021 covers a broad spectrum of thematic areas and obliges the Government to prohibit all forms of discrimination based on disability and guarantee equal and effective legal protection against discrimination. The Act makes provisions for health care, social support, accessibility, rehabilitation, education, vocational training, communication, employment and work protection and promotion of basic human rights for persons with disabilities. This calls for the alignment of the National and Local Government budgets with the Gambia Government’s international commitments towards disability inclusion in compliance with the CRPD principles and standards. The Gambia Government thus, bears the responsibility of progressively ensuring the “full realization of all human rights and fundamental freedoms for persons with disabilities”. That, inevitably implies “modifying or abolishing existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.” Furthermore, policy reforms will have to be undertaken to create the environment for persons with disability (and/or their representatives) to be meaningfully consulted in the budget processes to accommodate their needs and address the challenges they face. The efforts aimed at mainstreaming the principles of human rights in development planning have brought to the fore issues of disability and the imperative of embracing equitable human development that “leaves no one behind”<sup>11</sup>. To that end, interest has been growing on the role of public budgets (both National and Local Government Budgets) in supporting the inclusion of persons with disabilities in the socio-economic development of the country.

It is worth mentioning that the characterization of disability in the development discourse has evolved. The Gambia’s 1997 Constitution in Section 31, talks about the

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<sup>11</sup> The Sustainable Development Goals 2030

rights of the “disabled” and “handicapped” to respect and human dignity and urges both the State and Society at large to recognize them. In present day human rights parlance, it is unacceptable to refer to persons with disabilities in such a manner. Accordingly, the Draft Constitution (2020)<sup>12</sup> of The Gambia<sup>13</sup>, which failed at the second reading in the National Assembly, in Section 58 (1) (a) stated. It was common, prior to the adoption and coming into force of the Convention on the Rights of Persons with Disabilities, to talk about people who are “differently abled”, people who are physically challenged; persons living with disabilities, etc. Development practitioners tend to be leaning more towards the concept of persons with disabilities. Similarly, the narrative is moving from DPOs – Disabled Persons Organisations to OPDs – Organisations of Persons with Disabilities. This is all in line with the campaign against all forms of discrimination and stigmatization [OBJ:OBJ]. As Alexandre Cote and Mikheil Kukava (2019) aptly put it, “national implementation of the CRPD requires policy reforms, social innovation, pilot programs and scaling up of successful local practices for most countries and in most policy areas”.

### **Overall Objective:**

The objective is to develop a CRPD-Compliant budgeting guideline to support the implementation of the Persons with Disabilities Act 2021 in The Gambia.

### **1. Proposed Methodology:**

For the development of this CRPD-compliant Budgeting Guidelines, the following methods of data collection were used:

(a) Desk/Literature Review of documents (including relevant human rights instruments such as the Gambia’s Persons with Disabilities Act 2021, the UN Convention on the Rights of Persons with Disabilities, the UN CRC, etc.), the 1997 Constitution, National Budgets, the Budget Framework Papers and the Budget Call Circular that provide the guidelines for the National Budget preparation, etc.

(b) Consultations with all the relevant stakeholder groups (UN Agencies, NHRC, The National Assembly of The Gambia, MoFEA, MoGCSW, MoH, CSOs active in disability advocacy, etc.). Persons with disabilities (as rights holders) were meaningfully consulted through their organisations to have a better understanding of their needs and challenges and ensure the Guidelines takes their concerns sufficiently on board. The consultations with the OPDs were done through Focus Group Discussions and Key Informant Interviews using semi-structured questionnaires.

**The consultations/engagements** targeted the following Government Duty Bearers and Organisations having special interests in or oversight responsibility for Persons with Disabilities:

### ***Government Institutions:***

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<sup>12</sup> The Draft Constitution failed to proceed for second reading after it was defeated on the floor of the National Assembly

<sup>13</sup> [Gambia \(The\) 2020 Constitution - Constitute \(constituteproject.org\)](https://constituteproject.org/)



- The Ministry of Finance and Economic Affairs (MoFEA) with focus on the budget system and the integration of disability-compliant budgeting in the country's chart of accounts
- Ministry of Gender, Children and Social Welfare (MoGCSW)
- The Directorate of Social Welfare (DSW)
- Ministry of Health (MoH)
- The Ministry of Basic and Secondary Education (MoBSE)
- The Ministry of Transport, Works and Infrastructure (MoTWI)
- The Ministry of Justice (MoJ)
- Ministry of Lands, Regional Government and Religious Affairs (MoLRG&RA)
- Ministry of Public Service (MoPS)
- Ministry of Communication and Digital Economy (MoC&DE)
- Ministry of Higher Education, Research, Science and Technology (MoHERST)
- Ministry of Information (MoIN)
- Ministry of Youths and Sports (MoYS)
- Ministry of Trade, Industry, Regional Integration and Employment (MoTIE)

***Groups with Special Interest:***

- Child Protection Alliance (CPA)
- National Council for Civic Education (NCCE)
- Gambia Bureau of Statistics (GBoS)
- Parents of Persons with Disabilities
- National Youth Parliament (NYP)

***Development Partners and Independent Bodies/Organisations with Oversight of the Rights of Persons with Disabilities***

- National Human Rights Commission (NHRC)
- The National Advisory Council for Persons with Disabilities (NADC)
- United Nations Children's Fund (UNICEF)
- United Nations Population Fund (UNFPA)
- National Assembly Standing Committee on Human Rights and Constitutional Matters
- Office of the High Commissioner for Human Rights (OHCHR)
- Financial and Public Account Committee (FPAC)
- The World Bank (WB)

**Local Government Authorities**

- North Bank Region
- Upper River Region

### **Focus Group Discussions with Organisations of Persons with Disability (OPDs):**

Focus Group Discussions (FGDs) were conducted with persons with disabilities who could speak for themselves, caregivers who spoke on behalf of persons with disabilities, and parents of persons with disabilities to have first-hand information on their experiences. The Gambia Federation of the Disabled (GFD) facilitated the meetings with their member organisations such as the Gambia Organisation of the Visually Impaired (GOVI); the Gambia Association of the Deaf and Hard-of-Hearing (GADOH) and the Gambia Association of the Physically Disabled (GAPD) ; Start Now and One Sight.

(c) **Data Analysis:** To analyze the data, qualitative (descriptive, content, comparative) techniques were employed.

(d) **Design and Development of the CPRD-compliant budgeting guideline:** The data received from the field informed the organisation of the Guidelines in terms of thematic areas and priority budget lines

(f) **Project Monitoring Meetings:** Over the consultancy period, consultations and briefing meeting were held with members of the technical committee to discuss implementation issues and to ensure that the work is on track and is of quality.

## Chapter 2: Thrust of the CRPD-Compliant Budgeting Guidelines

The CRPD-compliant Budgeting Guidelines consider the imperative of universal design and reasonable accommodation within the context of budget preparation, budget execution and budget advocacy for the promotion and protection of the rights of persons with disabilities in The Gambia. Disability concerns are examined through the prism of the social and human rights models conceptualized for disability inclusion. It discusses the comprehensive needs of persons with disabilities, including issues linked to mobility and ease of access over the built environment. It deals with the imperative of creating the conditions for effective communication and social integration (through sign language interpreters, the display of text, braille, tactile communication materials, large print, accessible multimedia as well as written, audio, plain language, human reader and augmentative and alternative modes, means and formats of communication, including assistive technological devices).

The Guidelines provides context/sector-specific tools, proposes interventions for mainstreaming disability in planning and budgeting and makes recommendations for the development of budget lines to be embedded in projects and programmes of MDAs and LGAs for disability inclusion. The Guidelines further provides a public sector-wide methodology for understanding the issues, principles and practices of Human Rights-Based Budgeting with special emphasis on disability inclusion.

According to the Guidelines on Promoting the Political Participation of Persons with Disabilities<sup>14</sup>, the types of disabilities can be categorized as follows:

- **Physical disabilities** include any condition that affects mobility or physical movement. Sometimes, people with physical disabilities use a mobility device, such as a wheelchair, crutches or a mobility scooter.
- **Sensory disabilities** refer to any conditions that affect a person's sensory system, such as hearing or seeing. This includes people who are blind, have low vision (partially sighted), are colour blind, are hard-of-hearing, are deaf, or are deafblind.
- **Psychosocial disabilities** include any condition that affects mental or emotional health. Examples include people with anxiety, depression, agoraphobia, bipolar disorder, schizophrenia or post-traumatic stress disorder (PTSD).
- **Intellectual disabilities** include conditions that lead to an increased difficulty in learning. A person is considered to have an intellectual disability if they have a below-average ability to learn and develop adaptive skills, and if the condition has been present since childhood or adolescence. Examples include people who have Down syndrome, foetal alcohol spectrum disorder and persons on the autism spectrum.

The Guidelines are anchored on the definition of disability as contained in the Gambia's Persons with Disabilities Act (2021) and the CPRD. Both definitions are in line with

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<sup>14</sup> OSCE/ODIHR, (Office of the Democratic Institutions and Human Rights, 2019)

the human rights-based approach to disability. The Guidelines aims to support institutions working in disability rights to urge all duty-bearers to create the context and the conditions for persons with disabilities to fully and effectively participate in socio-economic development on an equal basis with others. The Guidelines describes the challenges that persons with disabilities face and provide guidance and concrete recommendations on steps that stakeholders should undertake to ensure decision-making processes are more inclusive and accessible to persons with various types of disabilities.

### ***What is CRPD-Compliant Budgeting?***

Disability Compliant budgeting can be conceptualized as an approach to budgeting that seeks to measure the gaps between policy pronouncements and commitments and the adequacy of resource allocation for the promotion, protection and fulfilment of the rights of persons with disabilities. It looks at the outcomes of policies targeting the needs of Persons with Disabilities (PWDs), their aspirations, welfare and well-being from the perspective of the national and local government budgets. The approach also pays attention to the impact of revenue generation and expenditures on persons with disabilities and other marginalized groups. It ensures that all relevant stakeholders are meaningfully consulted in the budget processes rather than dealing with persons with disabilities by proxy. It is a deliberate effort to promote **accessibility, participation and non-discrimination** through sectoral interventions and contributes to the inclusion of persons with disabilities. It also creates the environment to **compensate** for certain limitations by promoting the concept of universal design and reasonable accommodation through the budget system. Authors like Cote and Kukuva<sup>15</sup> insist that CRPD compliant budgeting is also very much about ensuring that there are effective regulations ensuring non-discrimination and accessibility across mainstream sector investments to **make the most of existing expenditures** for inclusion.

The concept of Disability Responsive Budgeting could be used interchangeably with disability compliant budgeting since both are specific to persons with disabilities. However, the concept of **Disability Inclusive Budgeting** is wider in scope in that it calls for a budget system that caters for everyone, including persons with disabilities. In that regard, disability-compliant budgeting could be seen as a sub-set of disability inclusive budgeting and takes into consideration the following aspects:

#### **i. Transparency and Participation:**

The transparency of the process and the participation of persons with disabilities in the budget process are critical success factors that must be respected. This entails training stakeholder groups on the budget cycle and their roles at every stage.

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<sup>15</sup> Making the Most of Public Resources for Full Inclusion and Participation of People with Disabilities in Georgia (2019)

**ii. Compliance with the CRPD:**

Compliance with the CRPD standards is another key consideration in the budget system and must not be compromised under the pretext that resources are not available to implement the programmes.

**iii. Mainstreaming Disability:**

Mainstreaming disability in all the sector programmes will ensure that all the MDAs are taking full responsibility to ensure that a system-wide approach is taken to alleviate the sufferings of persons with disabilities.

**iv. Intersectionality:**

For proper targeting of persons with disabilities, the intersectionality dimension of things must be considered. There is evidence to suggest that a female person with disabilities is already at a greater disadvantage than a person with a disability who is male. The age and place of residence also play an important role in their experience with various types of disabilities. To budget equitably, all these factors will have to be considered using the lens of intersectionality.

***Why the need for CRPD-compliant Budgeting in The Gambia?***

Currently, in The Gambia, it is difficult to know the actual Government spending across all sectors on the implementation of the Persons with Disabilities Act since its enactment in 2021. The UN PRPD 2021 Country Report “Situational Analysis on the Rights of Persons with Disabilities in The Gambia” indicates that the allocation of designated budget for Persons with Disabilities for the general public services amounted to 0.96 per cent of the total budget in 2021. In the 2024 budget of the Ministry of Gender, Children and Social Welfare there is a budget line “Support to Differently Able People” which is likely to be used to support the Organisation of Persons with Disabilities and programmes and projects on disability rights. CRPD budgeting builds on the comprehensive standards of the CRPD to assess and plan public resource allocation for disability inclusion and covers human rights of all persons with disabilities.

Since the enactment of the Persons with Disabilities Act in 2021, stakeholders have argued that the law is yet to be effectively implemented and enforced. Persons with disabilities continue to be neglected although and the Government of The Gambia, through the Ministry of Gender, Children and Social Welfare, has committed itself to allocate substantial resources to transform the lives, welfare and well-being of persons with disabilities. The best way to do that is to embrace the CRPD-Compliant Budgeting methodologies highlighted above. The stakeholder groups eagerly await the Minister of Gender to leverage adequate budgetary resources for disability inclusion with support from development partners.

### ***Who is the Disability-Compliant Budgeting Guidelines Intended for?***

The Guidelines is intended primarily for the following stakeholder groups:

**Ministries, Departments and Agencies (MDAs):** The Gambia Government is the principal duty-bearer and, together with the MDAs that comprises it, has the obligations to ensure that the Persons with Disabilities Act, 2021, which is the domesticated version of the Convention on the Rights of Persons with Disabilities, is effectively enforced and that adequate human, financial, material and other resources are available for its comprehensive implementation.

- **Local Government Authorities:** Local Government Authorities are in the realm of the public service, operate at the sub-national level and are closer to citizen and non-citizens residing in the area than Central Government. Area Councils across the country collect taxes on behalf of the local population and deliver services to the citizens in their jurisdiction. They too, have a responsibility to ensure that their budgets are disability-compliant; that they have budget lines under the different local government services that address disability inclusion.

It could also be used by the following in their oversight or advocacy functions and roles:

- **State Institutions with Oversight Responsibility:** Institutions such as the National Human Rights Commission (NHRC) and the Office of the Ombudsman fall under this category. The NHRC, for instance, is mandated to promote and protect human rights in The Gambia.
  - **The National Assembly of The Gambia, with legislative role and oversight and scrutiny function** is a very important player to ensure that the national budget is disability-compliant and that post-legislative scrutiny of the Persons with Disabilities Act is undertaken to establish what has happened since the promulgation of the Act in July 2021. Additionally, the Standing Committee on Human Rights and Constitutional Matters of the National Assembly has a special interest in disability governance in the country.
- **Civil Society Organisations (CSOs):** As organisations that complement the actions of the State, CSOs that focus on poverty reductions and human rights can use the budgeting Guidelines as a tool to advocate for pro-poor policies, projects and programmes. Organisations such as Action Aid International The Gambia championing the Human Rights-Based Approach (HRBA) and the Child Protection Alliance (CPA) are good examples.
- **Organisations of Persons with Disabilities (OPDs):** OPDs are the principal beneficiaries of these Guidelines. As ‘experts’ in disability, OPDs know the issues and challenges that their members grapple with on a regular basis and can proffer

suggestions to resolves those same issues. The Guidelines will equip them with the tools to campaign for their rights. Organisations like GFD, GOVI, GADHOH, GAPD GOLD, and the Association of Gambian Albinos can make good use of it.

- **Organisations for Persons with Disabilities:** Organisations like BAEKANYANG, Start Now and One Sight specialize in disability advocacy and are making deliberate efforts to improve the conditions of persons with disabilities. They engage duty-bearers to remind them of their responsibility towards persons with disabilities. Building their capacity on disability-based advocacy and disability-compliant budgeting will make them more effective in defending the rights of their constituency.
- **The Private Sector:** By virtue of their corporate social responsibility (CSR), it is important to sensitize private sector institutions on the plight of persons with disabilities. Buildings like banks, supermarkets and insurance companies are used by persons with disabilities and are not always disability-compliant/disability-friendly. By exposing them to the toolkit and the Persons with Disabilities Act through their umbrella body – the Gambia Chamber of Commerce and Industry (GCCCI)- and the Gambia Investment and Export Promotion Agency (GIEPA) will make a difference and can shore up support for disability financing.
- **International Organisations and Embassies:** UN Agencies (UNICEF, UNDP and UNFPA), The World Bank and the American Embassy in Banjul are in this group. Human rights principles are central to the cooperation partnership between The Gambia and the UN Agencies, the World Bank and the American Embassy. These development partners are funding projects and programmes that promote the rights of vulnerable persons, including persons with disabilities.

Indisputably, this Disability-compliant Budgeting Guidelines, when adopted and taken ownership of, will provide the tools and the types of budget lines that, if leveraged, can improve the conditions of persons with disabilities in the country.

## Chapter 3: The Convention on the Rights of Persons with Disability and the Gambia's Disability Act (2021)

Although The Gambia ratified the Convention on the Rights of Persons with Disabilities in July 2015 and subsequently domesticated the Convention in 2021 (with the promulgation of the Persons with Disabilities Act in July 2021), much has not changed since then for persons with disabilities (PWDs). PWDs continue to grapple with inclusion, accessibility, discrimination, participation and awareness-related challenges. Three years after the enactment of the Persons with Disabilities Act, no meaningful progress has been registered in addressing the pressing challenges encountered by persons with disabilities in the public space. The tokenistic or minimalist approach to disability service delivery is still prevalent. The Directorate of Social Welfare is under-resourced. For the other MDAs, their spending on persons with disabilities is ad-hoc and piecemeal due to the fact that they do not run any dedicated budget programs/subprograms for disability inclusion. Indisputably, the geographical distribution of services does not promote equity as most of the services, including educational and disability-friendly health services, are concentrated in the Greater Banjul Area. The consultation workshops held in the North Bank Region and the Upper River Region confirmed that persons with disabilities living away from the Greater Banjul Area do not have equal access to services and assistive devices. The resource gap is exacerbated by the inability of Local Area Councils to raise sufficient resources to deliver adequate services or have dedicated budget lines for disability inclusion. For them to be able to play their roles as prescribed by the Persons with Disabilities Act 2021 and in line with CRPD standards, greater fiscal decentralization reforms will have to be undertaken. Currently, The Gambia has made limited spending on supporting PWDs. The CRPD standard, however, is that “countries irrespective of their level of income or economic development have to use maximum available resources to meet CRPD commitments, but the way this should be done will vary according to context”. It implies the reallocation of significant resources towards CRPD-compliant policies, projects and programmes.

### ***Understanding of CRPD and Persons with Disabilities Act 2021 - Principles and Commitments***

The Persons with Disabilities Act 2021, like the CRPD, is based on the Social and Human Rights-Based models of disability. The CRPD aims to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.” Thus, like the CRPD, the Persons with Disabilities Act seeks to prevent discrimination based on disability. However, there are core obligations that MDAs have not yet fulfilled to promote the rights of persons with disabilities. Prior to the enactment of the Persons with Disabilities Act (2021), there were no specific laws that provided for disability inclusion in a very comprehensive manner. Accessibility remains critical in promoting disability inclusion. As it stands, persons with disabilities face insurmountable barriers that deter them from enjoying their rights. It is therefore



urgent that deliberate empowerment measures are taken to uphold the fundamental human rights enshrined in the CRPD and the Persons with Disabilities Act.

Section 4 of Part II of the Persons with Disabilities Act 2021 clearly outlines the seven (7) principles for the realisation of the rights of persons with disabilities, whilst Section 5 outlines seven (7) obligations to hold the Gambia Government accountable.

## **THE PRINCIPLES:**

### **1. Respect for human dignity, individual freedom to make individual choices and the independence of persons with disabilities:**

Until 2021, there was no comprehensive law that guaranteed the human rights and dignity of persons with disabilities. The Persons with Disabilities Act, taking inspiration from the Convention on the Rights of Persons with Disabilities, addressed this gap. There are many constraining factors that hinder persons with disabilities from attaining their full potential. The mobility challenges faced by persons with physical disabilities make them dependent on others for their movements and therefore find it difficult to exercise their individual freedom to make individual choices. Those with sensory disabilities (visual and hearing impairments) are equally vulnerable and unless assistive devices are provided and universal design and reasonable accommodation measures are promoted, their welfare and well-being would be difficult to realise.

### **2. Non-Discrimination:**

Persons with disabilities are discriminated against in all walks of life, including at household/family level. Often they are the last to be considered for conventional education as they are seen more as a liability to the family and therefore unworthy for family investments. The principle of non-discrimination is intended to foster equity, participation and inclusion among all Gambians who are equal before the law.

### **3. Full and effective participation and inclusion of persons with disabilities in all aspects in the society:**

Persons with disabilities have not been able to participate on equal terms with persons without disabilities. Their inclusion in society is far from being achieved, thus leading to isolation and despair. Their participation hinges on removal of all the barriers (institutional, structural, communications, cultural, informational, attitudinal, etc.) that put them at a disadvantage vis-à-vis persons without disabilities. If progressively implemented, the Persons with Disabilities Act will enhance their level of participation in society.

### **4. Equality of opportunity:**

To get employment or even a job opportunity is an uphill task for persons with disabilities. This is because disability is often equated to inability, even though persons

with physical and sensory disabilities, like persons without disabilities, are of sound mind and, when trained, can develop to their full potential. Employers prefer persons without disabilities and unless positive discrimination or affirmative action measures are put in place, it will be difficult to integrate persons with disabilities in the work place. Government will ensure that the principle of equality of opportunity is enforced in the public service, the private sector and the CSO sector.

The issue of job opportunities is critical for disability inclusion. Access to employment - (Section 36 (1)); access to work premises (Section 39) and access to the physical environment (Section 44), rights guaranteed in the Persons with Disabilities Act 2021, are all aimed at improving the condition of persons with disabilities for them to have a quasi-normal life. That is why persons with disabilities, including children with disabilities, through their representative organisations should be closely consulted in the planning and execution of the budget at national and local levels. This is in line with the mantra of persons with disabilities that: “nothing about us without us”.

## **5. Accessibility:**

The need to promote and adopt **universal design principles** to make the built environment (old and new constructions and the physical environment) accessible to persons with physical disabilities is enshrined in the Persons with Disabilities Act (2021). The notion of **reasonable accommodation** inevitably comes in to address the issue of undue burden that cannot be attributed to States Parties or duty bearers. The important thing is to ensure that to the maximum extent possible, efforts are made to ease the mobility, sensory and psycho-social challenges faced by persons with disabilities.

## **6. Equality between men and women with disabilities and recognition of their rights and needs; and**

The intersectionality<sup>16</sup> of disability plays largely in favour of men with disabilities than their female counterparts. It is evident that being a female with disabilities and living in the rural areas tends to aggravate the situation of the person. The additional needs of women in terms of reproductive health make them more vulnerable to discrimination. If the provisions of the Act are enforced, men and women with disabilities will have a better quality of life than is the case at the moment.

## **7. Provision of basic standards of living and social protections.**

It is common knowledge that persons with disabilities are among the poorest segments of the Gambian society and because of the discrimination that they are subjected to, many have not progressed in conventional schooling. Consequently, decent jobs are out of reach and are thus dependent on others for their welfare and well-being, hence their vulnerability to abuse and exploitation. The State has a responsibility as the principal

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<sup>16</sup> Disability, age, gender, poverty, place of residence, etc.

duty bearer to provide them with basic standards of living by leveraging social protection mechanisms to alleviate their suffering.

Accordingly, the National Advisory Council for Persons with Disabilities and the Ministry of Gender, Children and Social Welfare are tasked with the obligations mentioned under Section 5 (1) of the Act. The **core obligations of Government** in terms of access, participation and non-discrimination include undertaking measures to effectively comply with the rights of persons with disabilities as provided for under the Act, and international and regional conventions on the rights of persons with disabilities; taking appropriate steps to ensure the realization of the rights of persons with disabilities in all national policies, programmes and legislation; refraining from engaging in any act or practice that is inconsistent with provisions of this Act; ensuring that public authorities and institutions at all levels act in conformity with this Act; ensuring access to information; and taking appropriate measures to eliminate discrimination on the basis of disability.

The popularisation drive to familiarize the public with the Act and how it is poised to transform the lives and our relations with persons with disabilities is urgent. Such an intervention will mitigate the discrimination and stigmatization that persons with disabilities face in the public space. Disability financing through the inclusion of budget lines that specifically address issues of disability in all the relevant sectors is a necessary first step. The Ministry of Finance and Economic Affairs (MoFEA) has an important role to play in institutionalizing disability-compliant budgeting. Likewise, the Ministry of Justice's duty is to ensure that all crimes committed against persons with disabilities are prosecuted, as well as ensure that the amendments that are needed for the alignment of the legislation with existing laws are carried out. For instance, the Local Government Act 2002 (as amended) needs to reflect the new roles and responsibilities that are assigned to all the decentralized structures in the Persons with Disabilities Act. Similarly, the GPPA Act 2022 and the Physical Planning Act need to be amended to accommodate the provisions of the Persons with Disabilities Act in terms of procurement contracts and approvals of building plans respectively, for disability-inclusion.

It is evident that law reform is needed to align certain provisions of previous legislation with the requirements of the Persons with Disabilities Act. For instance, the language of the 1997 Constitution as regards persons with disabilities is demeaning, referring to persons with disabilities as “handicapped” or “disabled”. They have made it clear that they prefer to be addressed as ‘persons with disabilities’. To promote equality of opportunity, the Ministry of Trade, Investment and Employment has developed a new Labour Act (2023) that provides for the employment of persons with disabilities. Conversely, under Public Finance Management, amendments will have to be made to accommodate new budget lines linked to disability and also to mainstream disability in the budgets of all the MDAs.

There is also the need to engage the Ministry of Gender, Children and Social Welfare<sup>17</sup>, particularly the Directorate of Social Welfare, to intensify the campaign for policies, projects and programmes that promote the inclusion and participation of persons with disabilities in all areas of public life. The support provided thus far tends to be skewed towards persons with physical and sensory disabilities that are easier to identify. Those with intellectual and psycho-social impairments are less privileged and are more difficult to identify due to the fact that culturally, persons with such disabilities are not always accounted for and are often hidden or ‘kept away’ by their families.

The Directorate of Social Welfare is the largest spender of public resources for disability inclusion. Surprisingly, only D19 Million was allocated to the Directorate in the 2024 Budget. The Ministry of Health is also allocated an insignificant amount of funds to cater for persons with disabilities. Due to the higher prevalence of high blood pressure and diabetes in the population, which in some instances result in limb amputations, the demand for wheelchairs increased significantly in the recent past. The Directorate of Social Welfare has not been able to satisfy the demand for wheelchairs.

Accessibility and use of Information and Communication Technologies (ICT) is equally a challenge to most persons with disabilities because of the cost involved to acquire the state-of-the-art equipment or gadgets. With the enactment of the Persons with Disabilities Act, other Ministries will need to have specific allocations for disability inclusion. The Ministry of Basic and Secondary Education (MoBSE) is another important spender for disability inclusion via its Special Needs Education. Due to “poor institutional capacity and lack of fiscal decentralization” at the sub-national level, disability compliant budgeting is likely to be a challenge for all the Local Government Authorities in the country. As stated in the CRPD, maximum available resources, including domestic and international resources, will have to be mobilized at the central and local government levels for the successful implementation of the Persons with Disabilities Act, 2021. The question that should be asked is whether the Central Government will be ready to transfer resources commensurate with the added responsibilities given to the LGAs as per the Act for them to be able to finance all the structures mentioned in the Persons with Disabilities Act? The implementation of the Local Government Act 2002 (as amended) is already fraught with difficulties. The 25% contribution by the Government towards the development budgets of every Area Council in the country is not always forthcoming.

Many Government officials in decision-making positions are not familiar with the principles and commitments of The Gambia Government with regards to the Persons with Disabilities Act (2021) and the Convention on the Rights of Persons with Disabilities (CRPD). The literature review revealed that few specific budget lines dedicated to disability are included in the 2024 Estimates of Revenue and Expenditure. For instance, there is a budget line called “Support to differently Abled People”. Additionally, there are budget lines entitled “Specialized and Technical Materials” (for the purchase/manufacturing of prosthetics) and “Teaching Aid and Learning Materials”

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<sup>17</sup> The Ministry mandated to implement the Persons with Disabilities Act

(for Special Needs Education). Other aspects of disabilities are being considered for funding, including a sub-program called “Disability and Rehabilitation Services” under the Ministry of Gender, Children and Social Welfare (MoGCSW). Nonetheless, the current allocation of resources for the rights of persons with disabilities is extremely inadequate, taking into consideration the policy and legislative commitments on inclusion and the resourcing obligations contained in the Persons with Disabilities Act and the CRPD.

From the foregoing, it is clear that issues affecting persons with disabilities have not been given the attention and priority they deserve. They are generally perceived as “incapable, dependent or weak”. These negative attitudes and stereotypes create barriers that make effective participation difficult, if not impossible. Advocacy strategies must therefore tackle these generally accepted ideas that are untrue, but which are deeply entrenched in the social psyche. Similarly, the advocacy strategies must also endeavour to remove all the barriers that hinder effective participation such as attitudinal barriers, physical barriers (both structural and communication barriers) and institutional barriers.

#### **Types of Barriers to Disability Inclusion:**

1. **Institutional barriers**, which include legislation, practices, or processes that actively prohibit or fail to facilitate access for persons with disabilities.
2. **Physical barriers**, which prevent access for persons with disabilities to physical environments such as buildings, roads, transportation, and various indoor and outdoor facilities such as schools, housing, medical facilities, sporting venues and workplaces.
3. **Informational barriers**, which prevent access for persons with disabilities, particularly for those with visual or intellectual impairments, to both the form and content of information that may be provided on websites, brochures, books, television, among many other ways that information is presented in society.
4. **Communication barriers**, which make it difficult to participate fully in society. Communication barriers for persons with disabilities can include the failure to provide sign language interpretation for deaf persons, inaccessible technology such as television without captioning, or websites that are inaccessible to screen readers used by blind persons.
5. **Attitudinal barriers**, including negative attitudes and lack of understanding about disability issues of people in society, which present some of the most pervasive barriers to equal access for persons with disabilities.
6. **Cultural barriers**, which may prevent persons with disabilities from participating fully and having access to community life. Cultural barriers may include myths and stereotypes about disability that are rooted in culture and that generate

Source: Disability Inclusion Guidelines, UNRWA (2017)

Sustained advocacy efforts aimed at changing the attitudes, mindset, mental models and practices have been lacking. Thus, the advocacy drive that is proposed as part of these Guidelines will focus on the rights of persons with disabilities and their specific disabilities and what measures need to be taken to ensure their rights are promoted, protected and fulfilled. The advocacy efforts will also be targeted at decision makers in the public service and the private sector to ensure that accessibility of public places as an equity measure is deliberately integrated in their policies, projects and programmes. The advocacy would also focus on support for the provision of persons with physical impairments with assistive devices, including walking sticks, crutches or wheelchairs to facilitate their movements in the public space. Similarly, requests will be made for those with sensory impairments to be supported with hearing aids, Braille documents and sign language interpretation services, among other things.

Implementing reasonable accommodation measures is a requirement set out in the CRPD. In line with that, there should be strict laws in place supported by the **Department of Physical Planning** to ensure that all public buildings or infrastructure are disability-friendly. Most of the public buildings are not accessible to persons with disabilities, which in essence is discriminatory towards a sizable number of the population. Most public facilities such as toilets are also not disability-friendly as corroborated by anecdotal references provided by persons with disabilities who are often obliged to go without food or water as a strategy for not using toilets facilities while out in public. This clearly shows the country needs laws that make it mandatory to protect and cater for the interests of persons with disabilities in the design of modern buildings. The twin-track approach adopted by organisations like United Nations Relief and Works Agency (UNRWA) for disability inclusion, and which is seen as “the new normal” – if adopted, will be the game changer in terms of disability governance. The approach involves: (i) ensuring that all mainstream programmes and services are inclusive and accessible to persons with disabilities, and (ii) providing targeted disability-specific support services to persons with disabilities.

### **Intersectionality Issues: Equality between Men and Women with Disabilities and Recognition of their Rights and Needs:**

Section 4(f) of the Persons with Disabilities Act 2021 emphasizes, under the general principles, the gender dimensions of disability and the need to ensure equality between men and women taking due cognizance of their needs and challenges in society. Article 5(4) of the CRPD calls for specific measures to accelerate achieving substantive equality for persons with disabilities. The literature review revealed that there are multiple layers of discrimination that persons with disabilities face in the society and in the public space. Article 6 of the CRPD acknowledges that **women and girls** with disabilities (**intersectionality issues**) are subject to multiple discrimination, and that States “shall take all appropriate measures to ensure the full development, advancement and empowerment of women”. Currently, access to job opportunities, housing, rehabilitation facilities and financial instruments are more difficult for women and girls with disabilities. Consequently, they are disproportionately affected by poverty. The

prevalence of gender-based violence tends to worsen their situation further, making them more vulnerable to abuse and exploitation.

Section 29 of the Act spells out the special health services that persons with disabilities are entitled to, including reproductive health services which are relevant to the specific needs of women with disabilities.

The Persons with Disabilities Act provides for education and training for persons with disabilities in Section 33 as follows:

- (1) Persons with disabilities shall have the same right to education, training in inclusive settings and the benefits of research as other persons without disabilities.

The Act also provides for children with disabilities to ensure that their interests are adequately considered. Section 33 (2) and (4) stipulate as follows:

- (2) Every child with a disability has the right to attend a mainstream public or private school or a special needs school.....
- (4) Children requiring special care shall be placed in institutions or schools that can successfully provide the appropriate services for their special needs where the needs could be met in regular schools and they will be mainstreamed.

Access to schools for children with physical, visual, sensory, mental (intellectual disabilities, etc.) is a prime concern for the Ministry of Basic and Secondary Education, the Ministry of Gender, Children and Social Welfare and Organisations like UNICEF that promote the welfare and well-being of children. The issues that are of utmost importance to them are: whether schools, hospitals and the public space generally cater adequately for the needs of children? Whether ramps are built for ease of access to and within the school for children with disabilities? Whether children with disabilities have easy access to sanitary facilities? Whether there are devices/gadgets such as "Braille" for the visually impaired or hearing aids for the hard-of-hearing to help children with *sensory* disabilities to integrate into the school environment? Whether teachers are adequately trained to deal with the issue of disability?

Accessibility is the necessity to render 'everything accessible to children with disabilities' (for inclusion, participation and non-discrimination): Accessibility to the same knowledge as their peers: to all premises and to all equipment necessary for teaching and learning (ensuring that the teaching and learning material are adapted to their needs). When the Persons with Disabilities Act is fully operational, a personalized plan of compensation will be necessary. It is the right of all children with disabilities to benefit from all individual measures likely to give them as much as possible - "equality of rights and opportunities". These measures could include hiring a carer to accompany the child to school and to assist him/her to adapt to the school and the wider environment; providing support to the child by both the school authorities and by medical professionals; and supervision of the child by a multidisciplinary team.

### ***Accessibility of Public Buildings:***

With the increasing pace of urbanization, there is a greater need to factor the accessibility of infrastructure, especially in cities and towns. When the needs of persons with disabilities are considered in infrastructure planning, drawing on the principles of universal design, they will have greater independence and ease of access to transport, healthcare, education and other necessary services. It is important for the built environment to be barrier-free and adapted to the needs of all citizens, with or without disabilities, in line with universal design principles which states that good accessibility is built around the principle of an unbroken chain of movement, highlighted by the ‘RECU’ acronym: (Reach<sup>18</sup>, Enter<sup>19</sup>, Circulate<sup>20</sup>, Use<sup>21</sup>) which fosters quasi-perfect inclusion of persons with disabilities in the public domain. According to the Act, progressive accessibility of existing built environment, transports and ICTs services should be promoted. To achieve that outcome, the Minister of Gender, Children and Social Welfare shall in consultation with the Minister responsible for Works ensure that every public building complies with the accessibility requirements under this Act. The Government should also ensure that new roads, including new highways, are accessible to persons with disabilities, including wheelchair users. Old road that are being renovated should also cater for the needs of persons with disabilities. Thus, there is the need to leverage the national budget to ensure universal access to infrastructure compliant with the CRPD standards. There is empirical evidence that suggests that investments to ensure that new infrastructure is accessible to persons with disabilities is estimated to only increase construction costs by 1-3%.

### ***Challenges with Transport Services:***

The experiences of persons with disabilities with **transportation services** is the same whether in the urban and rural areas. Persons with disabilities continue to experience inaccessibility of transportation services. Wheelchair users complain of not being accepted by drivers because they are seen as a waste of time and thus, they are obliged to hire a taxi and pay more because of the wheelchair. To mitigate these challenges and frustration, the Government should provide more accessible buses through the GTSC, which currently has one bus and a few mini buses that are disability friendly, and Municipalities can also invest in procuring accessible buses to ease transportation for persons with disabilities. .

In response to the accessibility concerns that deter the participation of persons with disabilities in certain situations, the Persons with Disabilities Act prescribes the infrastructure/ecosystem that needs to be in place for disability inclusion. Persons with disabilities face major barriers in accessing infrastructures and services. Most of the educational structures are inaccessible to persons with physical disabilities although many primary and senior secondary schools have ramps. Similarly, most of the public

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<sup>18</sup> The facility

<sup>19</sup> Be able to enter it with ease

<sup>20</sup> Move freely within

<sup>21</sup> And enjoy the service



buildings do not have ramps, and where ramps are available, they are either unsafe, not properly made or not disability friendly. Hospitals and health care facilities are not responsive to specific needs of women and children with disabilities. Obtaining the services of sign language interpreters is still a challenge in public facilities and documents in Braille form are non-existent to facilitate accessing public services.

### ***Local Government Authorities and Structures:***

Section 16 of the Persons with Disabilities Act 2021 stipulates that every Village, Ward, District, Area Council, Region, Municipality, and City Council should have a Committee to be responsible for disability related issues. It goes further to indicate that the composition, functions and proceedings of the Committees shall be prescribed by regulations in Consultation with The Gambia Federation of the Disabled. For the integration of persons with disabilities, the Act provides in Section 21 (2) of Part V that the Minister in consultation with the Advisory Council can make regulations and take such measures as may be necessary to enable and support persons with disabilities to live independently and be fully mainstreamed into the community. The measures could include, as stated in Section 21(2)(c), “provision of a wide range of accessible community-based rehabilitation and inclusion services such as in-house, residential and other community support services, personal assistance, sign language interpretation, and any other measures necessary to support living and integration in the community, promote access to information about available support services, and to prevent disability-based discriminations in the community”. Similarly, in terms of healthcare, Section 28 (1) of the Act states that “Every person with a disability shall enjoy the highest attainable standard of health care service without any discrimination”. Accordingly, SDG Goal 10, entitled “Reducing Inequality Within and Among Countries”, sets the following target: “By 2030, empower and promote the social, economic, and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, or economic or other status,”

### ***Support to Persons with Disabilities:***

The Persons with Disabilities Act is very comprehensive in terms of scope. Modern disability rights work emphasizes that persons with disabilities have the same rights as anyone else and that disability barriers should be proactively removed. The NHRC and the UN Agencies continue to support initiatives that focus on persons with disabilities and work more closely with the National Advisory Council on disability and other national organisations through continuous capacity building on advocacy and effective engagement with the Government. Organisation of and for persons with disabilities need capacity building support on budget cycle processes, lobbying, advocacy and disability-compliant budgeting. Trainings on the Gambia Government budget cycle and the Local Government budget cycle will put stakeholders in a good stead to understand the entry points for holding duty-bearers accountable. It is important to involve persons with disabilities from the planning stage throughout the development process for them to take ownership. Article 4(3) of the CRPD provides that “in the development and implementation of legislation and policies to implement the present Convention, States

Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.”

***Communications:***

The importance of teaching family members, peers and other social groups the rudiments of sign language cannot be overemphasized. Those who are not conversant with sign language will find it difficult to communicate with individuals who are hard-of-hearing to understand their different needs and ways to engage with them.

The principles or commitments that are most critical for guiding the development of the CRPD-compliant Budgeting Guidelines and budgeting processes to support persons with disabilities are:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination; and
- (c) Full and effective participation and inclusion in society.

The Directorate of Social Welfare under the Ministry of Gender, Children and Social Welfare seeks to promote the full and effective inclusion and participation of persons with disabilities in The Gambia with the meagre resources that it has at its disposal. It does so by adopting measures of rehabilitation to help persons with disabilities gain or regain functional ability to enhance participation in socio-economic development and providing various forms of technical training for personnel engaged in rehabilitation. However, the Gambia Government is yet to deliver social assistance in terms of cash transfers to persons with disabilities for entrepreneurship development. Providing subventions to Organisation of Persons with Disabilities is also not included in the national budget. In terms of disability inclusion, the country should prioritize access to buildings and transport systems; access to teaching & learning materials; skills development to enhance the employability of persons with disabilities; and access to information and communication facilities. Persons with disabilities cannot access most public buildings including Ministries. Ramps and elevators are rarely available in most public buildings thus rendering RECU - reach, entry, circulation and use of public space for persons with disabilities somewhat challenging.

***Public Procurement:***

The Government should put in place regulations that any goods or services to be procured through government contracts must consider access of persons with disabilities to avoid discrimination. Additionally, people involved in procurement must include issues of non-discrimination in their contracts to promote inclusion. Experts in disabilities are advocating for a social clause to be included in public procurement transactions to ensure that the process promotes the employment of persons with disabilities.

### ***Monitoring of the Persons with Disabilities Act:***

In terms of monitoring, there should be the following tools for the management of projects linked to disability: accessibility metrics, education and training metrics, employment and economic participation metrics, social inclusion and participation metrics and healthcare access metrics. Accessibility measures for the inclusion of persons with disabilities have not yet been mainstreamed by the different sectors. That shortcoming has resulted in persons with disabilities being severely constrained or restricted in accessing certain public buildings and infrastructure.

Measures to hold the State accountable as outlined in the Persons with Disabilities Act 2021 and the CRPD need to be put in place. Thus far, the Gambia has not made any significant inroad in translating the lofty provisions in the Act into projects, programmes, activities and budget lines that deliver the goods and services that impact the lives of persons with disabilities. This Guidelines on Disability-compliant Budgeting aims to trigger a positive reaction from all duty bearers (the Gambia Government, LGAs, CSOs, Private Sector and Development partners) to deliver on their CRPD obligations and the obligations specifically linked to the Persons with Disabilities Act. The sectoral budgets of all the MDAs and the Local Government budgets need to have explicit budget lines that address the provisions of the Persons with Disabilities Act 2021.

There should be an all-inclusive budget consultation process and a rigorous monitoring and evaluation system for the implementation of the Persons with Disabilities Act. The Ministry of Finance and Economic Affairs should ensure that resources are allocated equitably and efficiently to realise the rights of persons with disabilities. It should also ensure that persons with disabilities are actively and meaningfully involved and consulted in the entire budgetary process.

Reinforcing the principles of non-discrimination and participation of persons with disabilities in community and national matters through legislation and policy advocacy is urgent. This should be accompanied by lobbying and advocacy by oversight institutions and Civil Society Organisations, including Organisations of Persons with Disabilities. The voices of OPDs and persons with disabilities must be heard when issues of national importance are discussed as they are the principal experts when it comes to understanding the challenges faced by persons with disabilities. As noted earlier, the duty to consult persons with disabilities is one of the underlining principles of the CPRD. Article 4 (3) of the Convention requires States to closely consult with and actively involve persons with disabilities concerning issues related to them. To be impactful and protecting, the Persons with Disabilities should be adequately enforced and implemented. The Government also has the obligation to ensure that persons with disabilities have access to information in the right format.

**Coordination constitutes a challenge.** The issues affecting persons with disabilities need to be handled in a coordinated manner so as to avoid the duplication of efforts by actors involved in the sector. This will ensure that resources directly target the intended

beneficiaries. Institutions implementing disability programmes can all contribute to the same objective by working through a central body such as the National Disability Advisory Council where key stakeholders are represented to facilitate mainstreaming, planning and implementing of programmes. However, this would require that the Council is adequately empowered to effectively discharge its duties, including having a functional Secretariat with a dedicated budget to operate.

**More advocacy** initiatives are needed to continue generating interest in disability-related issues; expanding partnerships with other entities active in the sector or those with the potential and interest to get involved will add value to the campaign for disability inclusion. Oversight institutions and CSOs can ensure that public expenditure fully aligns with Government's obligations and commitments in the CRPD and the Act by monitoring public expenditure; developing expertise in implementing, coordinating, monitoring and evaluating of programmes. They can also directly support projects and programmes for persons with disabilities through their organisations. Strategies or mechanisms for meaningful consultation and participation of PWDs in budget decision-making must ensure that all the **PWD** communities (children, youth, men and women groups) are involved throughout the budget consultation cycle.

## Chapter 4: Guidelines for Lobbying and Advocating for Disability-Compliant Budgets at National and Local Government Authority Levels

### **Introduction:**

This Chapter discusses the imperative of forming a strong civil society, oversight institutions and Organisations of Persons with Disabilities (OPDs) partnership framework for advocacy to bring about meaningful changes in the laws, policies and structures that affect persons with disabilities. It provides the tools and outlines the steps that such a platform can follow to lobby and advocate for disability-compliant budgets and for disability inclusion in all aspects of public and social life.

### ***Budget Cycle Lobbying and Advocacy Strategies:***

At every stage of the national budget or Local Government Budget cycle, there are imperatives that need to happen in terms of lobbying and advocacy strategies. For example, prior to the release of the Budget Framework Paper (BFP) and the Budget Call Circular (BCC) around April/May each year, organisations interested in disability governance should engage the Ministry of Finance and Economic Affairs and the Members of Cabinet to sensitise them on the Persons with Disabilities Act that the Government has enacted; government's obligations thereof; the plight of persons with disabilities; the consequences of inaction and the economic gains that can be derived through disability inclusion. A buy-in from the Executive (the President and Ministers) is crucial. It is at this level, with guidance from the Minister of Finance, that influencing the BFP and the BCC and having the Government's political will is critical. Once the budget envelopes are established, it would be difficult for stakeholders to influence the budget on behalf of persons with disabilities. The current Public Finance Management (PFM) system implemented by MoFEA is not designed to ensure that the needs of persons with disabilities are adequately catered for. A few budget lines with minimal allocations are in the Estimates of Revenue and Expenditure (2024). However, with the enactment of the Act, policy reform measures will be needed to make the necessary adjustments. There are other pre-requisites to make it happen that MDAs should know and consider. They include deepening the consultations with Organization of and for persons with disabilities. The current level of engagement of Persons with disabilities and their representative organisations in budget and PFM process is low and needs to be enhanced for optimal results through lobbying and advocacy.

Stakeholder engagements with sector actors – the MDAs- prior to the release of the Budget Call Circular by the Ministry of Finance is equally critical. It is the sectors that will translate the Government's political will into projects and programme that deliver economic and social value. The packaging of the messages to be delivered by human rights organisations to the Government is as important as the messenger or the platform through which it is delivered. Accordingly, the advocacy messages should focus on the following thematic areas:

- The need to promote and adopt universal design principles to make new constructions and the physical environment accessible to persons with physical disabilities. The notion of reasonable accommodation is equally critical given that certain conditions of disability may be humanely impossible to deal with. But that notwithstanding, efforts should be made to the extent possible to ease the hardships, frustrations and despair afflicting certain persons with chronic forms of disabilities.
- The need to cater for persons with sensory impairments: hearing, visual and intellectual impairments which bring to the fore the needs of children with special educational needs and the imperative of promoting an inclusive model rather than continuing to perpetuate segregationist models.
- Organisations interested in disability mainstreaming and disability inclusion will demonstrate why and how any initial costs associated with including persons with disabilities are far outweighed by the long-term financial benefits to individuals, families and the society. There is also evidence to suggest that early identification of impairment and ensuring persons with disabilities have timely access to quality rehabilitation services is cost-effective, as this can help maximize their potential and lessen their future demands on health and other services. The 2030 Agenda for Sustainable Development, reinforce the global commitment to end all forms of poverty while ensuring that “no one is left behind”. Therefore, we can only meet the SDGs when persons with disabilities are included in all development and humanitarian efforts.

The budget cycle processes offer Organisations of Persons with Disabilities (OPDs), Organisations for Persons with Disabilities, Oversight Institutions such as the National Human Rights Commission and development partners like UNICEF, UNDP and UNFPA a unique opportunity to vigorously advocate for disability-compliant budgets and increased budgetary allocations to the sector. They can do so directly to Government or by working through local partners. Either way, to be effective and for optimal results, advocacy interventions must take place upstream before the Ministry of Finance and Economic Affairs (MoFEA) releases the Budget Framework Paper (BFP) and the Budget Call Circular. When advocacy starts after the release of these two important documents, it is already a missed opportunity to maximize impact. Thus, institutions of and for persons with disabilities must take note of the timelines and create entry points to engage the relevant stakeholders around the budget cycle.

The budget process is cyclical. Every year the same processes and procedures are carried out, ultimately leading to a consolidated budget (the **Appropriation Bill**), which is tabled, discussed and approved by the National Assembly and voted into law (the **Appropriation Act**). The critical entry points are as follows: (i) Influencing the Budget Framework Paper (BFP) and the Budget Call Circular (BCC) that inform the overall budget envelope and the Budget formulation Stage by the Ministries, Departments and Agencies of Government (MDAs); (ii) Influencing the Legislative Stage (the Tabling of the Budget at the National Assembly); (iii) Monitoring the Execution of the Budget

by the MDAs and (iv) Monitoring the Reporting and Accountability Stages of the Budget.

The **Budget Framework Paper (BFP)** is the document developed by the Ministry of Finance that kick-starts the budgeting process in The Gambia. The BFP is a summary of economic performance (both global and domestic). The domestic component reviews performance in the real, external, fiscal and monetary sectors of the Gambian economy. The global segment focuses on the outlook of the economy for the current and the upcoming fiscal year. Typically, the document also reflects and supports the country's commitments vis-à-vis its development partners. The BFP also presents a brief description of the Medium-Term Macroeconomic Framework, the details of the budget for current fiscal year and the next, particularly in terms of economic classification and budgetary allocations. The BFP goes further to highlight the functional allocations - focusing on the priorities to be funded under the National Development Plan's strategic priority areas. Policy issues arising from the next budget formulation are then discussed, while some possible risks to economic performance in general and budget implementation in particular are equally highlighted. However, the Budget Framework Paper is **only shared with Cabinet** and not with the National Assembly or the MDAs. What is shared with MDAs is the Budget Call Circular (BCC).

### **The Budget Call Circular:**

The Budget Framework Paper (BFP) informs the Call Circular which is the document shared with Ministries, Departments and Agencies of Government (MDAs). It does not go to the same level of detail as the BFP. For the MDAs, the document that kick-starts the budgeting process is the Budget Call Circular. The Call Circular, like the Budget Framework Paper, is a statement of intent (a policy instrument) issued by Government and contains a certain number of elements. The document will usually discuss: the macroeconomic framework (how for instance, the real sector of the economy is expected to perform); the key policy objectives of the Government (poverty reduction, growth, employment creation, etc.); the targets for key macroeconomic indicators; and the medium-term forecast for the resource envelopment. The Call Circular will also give budget preparatory Guidelines and will fix Ministerial and Departmental budget ceilings for the coming year.

### ***National Budget Preparation: (The Process):***

Upon receipt of the Call Circular, Government agencies form Budget Committees to focus on the budget preparation within their sector and deal with all coordination aspects within the process. On completion of the budget preparation exercise, Ministries and other government agencies submit their detailed budgets and copies of details of Establishment and nominal roll to MoFEA. The original Details of Establishment and Nominal roll are sent to Personnel Management Office (PMO).

Oversight institutions and Civil Society Organisations should seize this opportunity to lobby and advocate for disability inclusion. To be impactful, their advocacy strategies

and messages should provide empirical evidence about the state of disability in The Gambia rather than anecdotal references alone. They should engage Cabinet Ministers to sensitize them on the plight of persons with disabilities and why it is important to have budget lines in all the sectors that address the various barriers that constrain persons with disabilities: institutional barriers, structural barriers, communication barriers as well as intellectual barriers. The discussions should focus on the quantum of resources that should be allocated to Ministries and issues linked to accessibility, participation, non-discrimination, universal design principles and reasonable accommodation. If stakeholders miss out at that critical moment to influence the size of the budget envelope to adequately fund programmes such as procurement of Braille equipment, hearing aids and hiring of sign language experts, the desired development outcomes will not be achieved. If they fail to engage National Assembly Members to ensure they understand and buy-into their agenda, their concerns may not be taken on board fully when implementation starts.

The budget preparation period is the ideal time to talk about issues such as rehabilitation, the hiring of sign language experts, special needs education, and the procurement of wheelchairs and assistive equipment to support disability inclusion. After the consolidation of the budget, participating in the budget bilaterals between the Ministry of Finance and each sector or Ministry before the finalization of the budget offers rights holders and/or their representatives another opportunity to influence the allocation process. During the Budget bilaterals, MoFEA will typically examine the reasonableness of the requested expenditure; and relevant documents to substantiate expenditure proposals and also computational accuracy. If the proposed budgets vary significantly from the sector ceilings, MoFEA advises the particular institution(s) to make a re-submission incorporating the conclusions reached during the bilateral consultation. The amendments could also be affected during the consultation meeting.

### ***Local Government Budget Process (the Preparation Stage):***

Section 24 (1) of the Persons with Disabilities Act (2021) clearly outlines the roles and responsibilities of Area Councils towards promoting and safeguarding the rights of persons with disabilities residing in their jurisdictions. They are expected to leverage the Local Government budget to assist persons with disabilities to enable them to develop to their full potential through empowerment measures and for them to be self-reliant. That also entails taking the necessary steps to remove barriers of all types (institutional, structural, communications barriers, etc.) that constrain the inclusion of persons with disabilities in public life.

The Local Government Budget process is similar to the National Budget process. In terms of timeline, by the end of July, the Call Circular emanating from the Office of the Chairperson of the Council or the Mayor of the Municipality is issued. The Circular is then sent to the Ward Committees chaired by the Councilors. The various Committees of each Area Council are also mobilized to kick-start the budgeting processes. The Village Development Committees (VDCs) meet to consider the most pressing priorities of each locality and then decide as to which ones should go into the Ward Development



Committee (WDC) priorities. At that level also, prioritization methodologies will have to be undertaken to determine the most important priorities to be escalated to the Area Council level. By 31<sup>st</sup> September, after two months of consultations within the Council or Municipality and at the community level, a first draft would be submitted to the Finance Committee of the Area Council for compilation, computation and consolidation of the first draft budget. The Director of Finance compiles the budget and then submits the consolidated budget to the Council's Finance Sub-Committee.

When the draft budget is consolidated, it is reviewed, finalized and then presented to the Council before being sent to the Wards for comments. That process has to be completed by the 30<sup>th</sup> of September. Thereafter, the draft budget is tabled before Council which serves as the approving authority to enact the budget through the same process just like the National Assembly at the National level. According to the Financial and Accounting Manual for Local Government Authorities (2009), the consolidated budget of each Area Council should be sent to the Minister of Local Government and Lands not later than the 30<sup>th</sup> of October for an opinion. The Minister will then have up to the 21<sup>st</sup> of December to respond and will ensure that there is strict compliance with the 60/40 rule: 60% of the local government budget allocated to development and 40% to recurrent expenditure. With that seal of approval, the Council will again convene to examine the comments from the line Ministry and then make amendments as deemed necessary.

### **The Legislative Stage: National Budget Process**

After the budget bilaterals, a draft Cabinet Budget copy is then distributed to relevant Ministries prior to formal presentation by the finance minister at the Cabinet meeting. Cabinet will deliberate on the draft Cabinet Budget copy and send it back to the MoFEA with their amendments, if any, for inclusion in the draft National Assembly Copy, which must be sent to the speaker of the National Assembly Service at least thirty days before the end of the financial year, as prescribed by the Constitution.

The Legislative/Enactment Stage is when the National Assembly intervenes. The National Assembly Service reviews the budget based on government development objectives. The National Assembly then deliberates on the budget by going through the estimates of the individual Ministries. The Minister of Finance is responsible for answering all questions or queries raised by the National Assembly members. The deliberations cover all aspects of the estimates, including revenues, expenditures and grants. The revised Appropriation Bill is then presented to the National Assembly members following the end of the budget discussions. The National Assembly is only mandated to approve non-statutory appropriations. Statutory allocations such as pensions, debts, and salaries cannot be altered. Amendments are incorporated and the budget is regarded as approved. National Assembly approval and passing of the Appropriation Act are prerequisites for spending to start.

### **Civil Society Entry Points during the Enactment Stage:**

Oversight institutions and Civil Society Organisations that support PWDs can avail themselves of this great window of opportunity to lobby and advocate for disability-compliant budgets and disability inclusion. The National Assembly Members have both a legislative and an oversight role/function, which makes them a worthy partner to anyone who has an interest in moving the disability agenda forward. The National Assembly also has an important Committee that deals with human rights issues. Having successfully promulgated the Act, the National Assembly is a key stakeholder in disability governance. Ensuring that the budget is aligned with the provisions of the Act is an outcome that they will be willing to monitor, especially with support from development partners. The budget will therefore take on board the concerns of PWDs, especially women and girls with disabilities. Civil Society and oversight institutions such as the NHRC and the development partners must therefore endeavour to build partnerships with parliamentarians or National Assembly members to ensure that there is buy-in concerning the imperative of disability inclusion.

### **Approval of the Local Government Budget:**

The budget approved by Council will be displayed on the notice board for public inspection. That will allow citizens the possibility to familiarize themselves with the Area Council budget that will be leveraged to develop the Local Government Authority (LGA).

### **Budget Administration:**

During the Execution or Implementation of the National and Local Government Budgets from the 1<sup>st</sup> of January to the 31<sup>st</sup> of December, organisations interested in the implementation of the Persons with Disabilities Act can engage the Government and the Area Councils around the country to determine whether or not their policies, projects and programmes are disability compliant and whether the disability inclusion measures are paying off. Activities geared towards monitoring and evaluation of public service delivery will be conducted. This will include talking to service providers (MDAs and LGAs, mainly) and the end-users of the services (persons with disabilities and OPDs); conducting post-legislative scrutiny of the Persons with Disabilities Act and audits of public buildings. This will enable stakeholder groups to gauge the level of readiness to implement the Act. As the financial year progresses, it will be possible to know how much has been allocated to the proposed budget lines, assuming that there will be government buy-in. The lobbying and advocacy strategies will also be evaluated for impact in terms of awareness creation, non-discrimination, participation and accessibility. The results for year 1 will serve as the baseline data for subsequent years. The same process will be replicated at Area Council level.

## Chapter 5: Disability-Compliant Budgeting and Budget Lines

This Chapter focuses on the concrete steps to take to ensure that Ministries, Department, Agencies of State (MDAs) and Local Government Authorities have the tools to budget for disability inclusion for enhanced socio-economic development. It discusses the interventions that primary duty-bearers should take for disability-compliant budgeting to thrive and the types of budget lines that stakeholder groups can use to deliver appropriate services to persons with disabilities. It is worth noting, however, that at present LGAs, unlike the central Government, have not yet started creating specific budget lines for supporting disability-compliant schemes but they will soon be obliged by the Act to embrace it. However, it would be important to factor in the cost of disability. In effect, the extra costs incurred by individuals and household with persons with disabilities are considered to be a critical driver of poverty<sup>22</sup>. These costs include:

- direct costs related to greater consumption of ordinary services such as health care, cost of transportation due to inaccessibility of public transport, utilities or disability-specific services such as assistive devices, personal assistance, sign language interpreters, etc.
- indirect costs, including loss of earning capacity due to barriers they face in education and employment as well as opportunity cost for other family members that may be taking the role of caregivers for Persons with Disabilities or may not access education because the family do not have the resources.

This tends to show that the economic cost of exclusion of Persons with disabilities is exorbitantly high. Persons with disabilities are more likely to be either unemployed or out of the workforce, both because of barriers in the labour market, and also because of the barriers they face in receiving education and vocational training. In some countries, revenue generation, including taxation, takes into consideration the extra costs faced by persons with disabilities. Alexandre Cote and Mikheil Kukava (2019) quoted a study using the standard of living (SoL) methods that suggests that households with member(s) with disabilities would need around 30-40% higher income to achieve the same standard of living that a similar household without members with disabilities.

### *Proposed Modalities of Utilization of the Guidelines:*

The Guidelines provide the steps for disability inclusion or mainstreaming and disability advocacy to significantly improve the conditions of persons with disabilities. It goes further to identify the different goods and services that MDAs, Sectors and Local Government Authorities in their capacities as duty bearers should include in their projects and programmes. They do so by creating budget lines that are disability-compliant.

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<sup>22</sup> Georgia Report, 2019

### ***Methodology/Steps for Disability Inclusion in the National and Local Government Budgets:***

- The Planning Departments of Ministries, Departments and Agencies should familiarize themselves with the Persons with Disabilities Act, 2021.
- Identify a Focal Point for Disability Inclusion.
- Ensure that the Focal Point is trained on Disability Mainstreaming, Human Rights-based budgeting and Programme-based budgeting.
- Familiarise themselves with the Budget Cycle Processes.
- Update the Sector Strategic Plans/work plan to include disability governance.
- Take ownership of the articles relevant to their sector for inclusion in the sector budget.
- Link Disability responsive sector policies with adequate budgetary funding.
- Execute the sector budget in ways that benefit persons with disabilities equitably.
- Monitor the impacts of expenditure and revenue raising from a disability-compliant perspective.
- Re-prioritize expenditure and re-formulate revenue raising policies in a disability compliant way by taking the different needs and priorities of persons with disabilities into account.
- Analysis of the National and Local Government Budgets from the perspective of relevance, adequacy.
- Lobby and advocate for disability inclusion at local and national levels.

The **Directorate of Social Welfare** should be provided with adequate resources to support persons with disabilities. Among the services to be considered are rehabilitation services/facilities, educational and recreational activities; integration of persons with disabilities into mainstream schools. Thus, the National and Local Government Budgets should be leveraged to address the following concerns that persons with disabilities have:

- **Universal Design and Reasonable Accommodation Measures:** Public buildings must have low steps, ramps, handrails, wide corridors/doorways and appropriate door handles and lifts that make it possible for persons with disabilities to move freely and independently. Equally important for consideration are adequate resting

places, and clear signage for ease of movement. Ensuring that meetings and trainings involving persons with disabilities take place at the ground level will favour persons with physical disabilities. It is evident that squat-style toilets will not be appropriate for persons with certain types of physical disabilities. Physical adaptations where needed, such as the installation of wooden/metal ramps, will foster inclusion in public spaces. Similarly, the upgrading of school buildings, and cultural and sports facilities to cater for the needs of children who are physically challenged will enhance the welfare and well-being of persons with disabilities.

- **Equity and Comfort Measures:** There is evidence to suggest that if tables and chairs are not in the appropriate dimensions, persons with disabilities may be challenged in terms of comfort in public places. It is therefore important to ensure that furniture provisions take into consideration the peculiar needs of persons with disabilities.
- **Funding for MIS and Disaggregated Data:** There should be services that can facilitate early identification of types of disabilities to be registered on a database/Management Information System (MIS) linked to the relevant services that can address their condition. Health workers, teachers and social workers with the right professional training will be responsible for detecting/identifying persons with disabilities and then directing them to relevant services for optimal service delivery results. Thus, without the disaggregation of beneficiary data at the service level (school enrolment, health information management system) it becomes difficult to address the needs of persons with disabilities.
- **Communication Gadgets:** The funding of assistive devices for persons with sensory impairment is a critical success factor in disability management. Without sign language interpretation or Braille, persons with hearing and communication impairments will be excluded from social interactions. The State should facilitate persons with disabilities with hearing impairments to communicate through spoken language or to use sign language and/or lip-reading to communicate. Likewise, without large print for people with low vision, audio material or easy-to-read documents in alternate formats, persons with visual impairments will find it hard to fit in and communicate in social settings. It should be mandatory to have sign language interpreters when broadcasting the national news and during major events such as the State of the Nation Address.
- **Provision of Assistive Devices and Technologies:** Assistive devices, including walking sticks, crutches and wheelchairs, will go a long way in fostering inclusion and accessibility.
- **Provision of Disability Support Services:** Caregivers play an important role in improving the quality of life of persons with disabilities. They intervene via **compensation mechanisms** that can take the form of a personalized plan of compensation. It is the right of all persons with disabilities to benefit from all individual measures likely to give them, as much as possible - "equality of rights

and opportunities" in line with the principle of reasonable accommodation. For example, this may entail hiring a carer to accompany the child to school and to assist him/her to adapt to the school and the wider environment; ensuring that the child is provided by both the school authorities and by medical professionals with the necessary support services. In developed countries, supervision of the child by a multidisciplinary team will also be made available. All these approaches have cost implications. The provision of centre-based and home-based services will add significant value to the welfare of persons with disabilities.

- **Accessible Modes of Transport:** The Ministry of Transport and Infrastructure should ensure that a number of public buses are disability friendly. That is another equity measure that the Gambia Public Procurement Authority (GPPA) should consider when approving the purchase of vehicles working together with the GTSC and the Ministry of Transport, Works and Infrastructure.

### **Possible Budget Lines for Consideration**

Deliberate efforts have been made to translate some of the issues highlighted during the development of the Guidelines into budget lines that specific Ministries can take ownership of and leverage to contribute towards the implementation of the Persons with Disabilities Act.

#### **Budget line 1: Assistive Devices for Persons with Physical and Sensory Disabilities**

Concerning assistive devices for physical disabilities, the Directorate of Social Welfare under the Ministry of Gender, Children and Social Welfare will play a leading role. However, Area Councils across the country will be encouraged to have a budget line item to support PWDs in their regions with such impairments. The funds allocated to this budget line will serve to procure the following:

- Wheelchairs, white canes, crutches, walking sticks, walking frames, mobility scooters
- Hearing aids, etc.
- Specialized and technical materials to produce Orthopaedic prosthetic limbs for victims of road traffic accidents and amputees due to diabetes/Cochlear implants.
- Teaching and learning materials for children with disabilities.
- Braille for persons with visual impairments; screen readers; mobility devices such as wheelchairs, crutches etc.
- Awareness creation in relation to the Persons with Disabilities Act and promotion of the basic rights of persons with disabilities.

## **Budget Line Item 2: Support the Development of a National Sign Language Interpretation System**

**(Duty Bearers:** Directorate of Social Welfare, Ministry of Communication, Development partners)

The budget will be deployed for the following services:

- Training of Sign Language Interpreters
- Procurement of sign language interpreters' services

## **Budget Line Item 3: Social Protection Services for Persons with Disabilities:**

**(Duty Bearers:** Office of the President, Social Protection Secretariat, Directorate of Social Welfare, Development Partners)

The budget will be deployed for the following services:

- Community Prevention Services
- Mental health
- Rehabilitation Services
- Disability social package
- Social Protection Benefits
- Cash Assistance to Persons with Disabilities
- Disability Support Services
- Day Care Centres

## **Budget Line Item 4: Support for law reform to align existing laws with the Persons with Disabilities Act**

**(Duty Bearer:** The Ministry of Justice (MoJ) and the Judiciary)

## **Budget Line Item 5: Support for Equal Opportunities and Service Simplification**

**(Duty Bearer:** Ministry of Public Service - MoPS)

The budget will be deployed for the following services:

- Equal Employment opportunities
- Service Process Simplification

## **Budget Line Item 6: Facilitation of Disability Compliant Budgeting**

**(Duty Bearer: The Ministry of Finance and Economic Affairs (MoFEA))** - MoFEA intends to have specific markers or coding in the national chart of accounts to promote disability inclusion and to make it easy to track disability-compliant expenditures.

The budget will be deployed for the following services:

- Grants to organisations of and for Persons with Disabilities
- Support for Disability-Compliant Budget Monitoring
- Coding of disability expenditure

## **Budget Line Item 7: Support for Integration of Persons with Disabilities**

**(Duty Bearer: Ministry of Lands, Regional Government and Religious Affairs, Area Councils, MoFEA)**

The budget will be deployed for the following services:

- Training of councillors and administrators on the Disabilities Act
- Funding of community structures for the implementation of the Disabilities Act
- Access to public and commercial buildings and infrastructures
- Monitoring of public buildings for disability compliance

### **At the Local Government Area level:**

Community-based rehabilitation and inclusion services

- Community support services, personal assistance, sign language interpretation,
- Disseminate information about available support services
- Campaign against disability-based discriminations in the community.

## **Budget Line Item 8: Medical Services for Persons with Disabilities**

**(Duty Bearer: Ministry of Health (MoH))**

The budget will be deployed for the following services:

- Medical assessment of children with disabilities in schools.
- Healthcare services
- Access to reproductive health services for women with disabilities
- Disability prevention services<sup>23</sup> and early identification system for disability
- Counselling, rehabilitation and orientation
- Care and maintenance services

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<sup>23</sup> Sensitization on the causes of disability, including lifestyles leading to diabetes, high blood pressure and road accidents among others.



### **Budget Line Item 9: Inclusive Quality Education**

**(Duty Bearer:** The Ministry of Basic and Secondary Education – MoBSE)

The budget will be deployed for the following services:

- Procurement of teaching and learning materials for children with disabilities in schools
- Training more polyvalent itinerant teachers to support children with disabilities in schools
- Capacity building for teachers in mainstream schools on inclusive practices
- Refresher training for teachers in schools on disability
- Training, sensitisation/Advocating for inclusivity
- Sensitisation on Enrollment for students (persons with disabilities).
- Provision of assistive technological devices.
- Training of teachers on inclusive and special needs education
- Improving accessibility for persons with disabilities

### **Budget Line Item 10: Build Infrastructure and Support Disability Inclusion**

**(Duty Bearer:** Ministry of the Communication and Digital Economy (MoC&DE)

The budget will be deployed for the following services:

- E-Government System
- Provision of new technologies, including information and communication technologies, technical aids, devices and assistive technologies suitable for persons with disabilities
- Funding for the development and operationalization of Disability Management Information System (DMIS)
- Disability Coding

### **Budget Line Item 11: Support for Disability Inclusion**

**(Duty Bearer:** Ministry of Interior (MoI))

The budget will be deployed for the following service:

- Enforcement Services to combat discrimination, GBV

### **Budget Line Item 12: Promoting Skills Development for persons with disabilities**

**(Duty Bearer:** Ministry of Higher Education, Research, Science and Technology (MoHERST)

The budget will be deployed for the following services:

- Technical & Vocational training, Entrepreneurship training and provision of start-up capital for persons with disabilities.
- Finance education and vocational training for persons with disabilities
- Support research on disability and other related matters

### **Budget Line Item 13: Support Employability of Persons with Disabilities**

**(Duty Bearer:** Ministry of Trade, Employment and Regional Integration)

The budget will be deployed for the following services:

- Promote the empowerment of persons with disabilities
- Promulgation of regulations for a quota system for the employment of persons with disabilities.

### **Budget Line Item 14: Sports for All**

**(Duty Bearer:** Ministry and Youths and Sports (MoYS)

The budget will be deployed for the following services:

- Provision of technical aids or services for accessing sporting and recreational facilities
- Access to services of organisations responsible for specific sporting activities

### **Budget Line Item 15: Public Education and Disability Awareness**

**(Duty Bearer:** National Council for Civic Education) - Awareness campaigns are being undertaken but it is not enough to take the message to all the Local Government Authorities in the country, down to the community level. Sustained efforts need to be made to popularise the Act and to ensure that stakeholders are cognisant of their responsibilities under the Act.

The budget will be deployed for the following services:

- Raise public awareness regarding the rights of persons with disabilities
- Combat stereotypes, prejudices and harmful practices relating to persons with disabilities
- Promote awareness of the abilities, and talents of persons with disabilities

## **Budget Line Item 16: Making Public Infrastructure and the Public Space Disability Friendly**

**(Duty Bearer:** The Ministry of Transport Works and Infrastructure (MoTWI) - MoTWI considers Disability Inclusive Infrastructures as a priority requirement for all Governmental Projects and will ensure that resources are allocated equitably and efficiently to meet the diverse needs of persons with disabilities. Ministries should make deliberate efforts to align policies and Acts of the Government with the Disability Act (2021).

The budget will be deployed for the following services:

- Upgrading, Maintenance and Management of Government Buildings;
- Road Safety and Sensitisation;
- Training and Capacity Building.
- Road signage and Obstruction,
- Street furniture,
- Pathways and Curb Ramps,
- Pedestrian Crossings and Priority Parking for persons with disabilities.

For Building & Facility, the following budget lines should be considered:

- Ramps and Platform Lifts,
- Railings and Handrails,
- Automated Doors,
- Elevators,
- Restrooms for persons with disabilities,
- Corridor Spacing, Entrances and Stairs and Vestibules,
- Monitoring of work premises and working environment

## Chapter 5: Conclusion and Recommendations for Disability-Compliant Budgeting

### *Conclusion:*

The need to embrace disability-compliant budgeting to improve the situation of persons with disabilities is part and parcel of good governance and democratic principles that strive to leave no one behind. It is urgent to commence the effective implementation of the Persons with Disabilities Act 2021 to progressively remove all the barriers (attitudinal, institutional, physical/structural and communication) that hinder the full participation of persons with disabilities in public life. This is in line with the shift from the legacy of medical and charity models of disability management towards the human rights and social models championed by the National Human Rights Commission (NHRC) and other rights groups. Thus, the imperative of promoting an inclusive model rather than continuing to perpetuate segregationist models will make a huge difference.

Oversight institutions such as the National Human Rights Commission, the Office of the Ombudsman and the National Assembly of The Gambia need to ensure that the obligations stipulated in the Persons with Disabilities Act (2021) are addressed, including raising awareness about the right of persons with disabilities to participate in public life and the country's socio-economic development. Institutions interested in disability mainstreaming and disability inclusion will demonstrate why and how any initial costs associated with including persons with disabilities are far outweighed by the long-term financial benefits to individuals, families and society. There is also evidence to suggest that early identification of impairment and ensuring persons with disabilities have timely access to quality rehabilitation services is cost-effective, as this can help maximize their potential and lessen their future demands on health and other services.

Stakeholder groups are concerned that the Persons with Disabilities Act 2021 has not yet been effectively implemented and enforced since its enactment. The Act seeks to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by Persons with disabilities. To achieve that outcome in a developing country context, the gradual implementation of accessibility measures for all existing services and facilities is perceived as a critical success factor. Over the years, organisations of persons with disabilities such as GFD, GOVI and GADHOH have been supported by institutions like UNDP, and UNICEF to implement projects that serve PWDs. An example of such an initiative is UNDP's support to the Gambia Federation of the Disabled (GFD) for institutional strengthening and capacity development. With the UNPRPD through UNICEF also providing support to enhance the condition of persons with disabilities in the country. It involved modules like leadership management, proposal writing and support to the Secretariat. Scalability is now necessary to improve the situation of persons with disabilities.

The Directorate of Social Welfare which has played an important role in supporting PWDs is seriously under-resourced, making it difficult for the Directorate to accede to the requests of persons with disabilities and their representatives. Similarly, support services are non-existent in the rural areas. Thus, the risks associated with the implementation of the Persons with Disabilities Act that duty bearers have to deal with include:

- Inadequacy of the standards delivered at national and LGA level compared to the CRPD standards and poor enforcement of the Act.
- Resistance to change and public attitudes and awareness towards persons with disabilities.
- Lack of coordination of interventions among duty-bearers
- Lack of engagement by OPDs in the budget process and the reluctance of the State to open the budget process to citizen engagement and oversight.

***Recommendations for Stakeholder Engagement toward a CRPD Compliant Budget for Disability Inclusion:***

The following recommendations are indicative. They are derived from the findings of the literature review and the conversations with stakeholder groups. They are provided to support the methodology for the successful implementation of the Persons with Disabilities Act.

- **Law Reforms:** The development of new policies and the amendment of laws to address the gaps in different sector policies is required to facilitate disability inclusion.
- **Focal Points:** Disability focal points are needed in all Ministries, public agencies and Local Government Authorities
- **Consultation:** When the **budget cycle processes** commence, OPDs should be consulted extensively to determine their needs, especially the immediate ones so that this can be properly captured in the different budgets of the relevant Ministries. The national budget development process should be driven by public needs and aspirations. It is recommended to have extensive consultations country-wide as part of the budget process to ensure that persons with disabilities or their organisations participate actively in the decision-making processes that affect their lives.
- **Lobbying and advocacy strategies/mechanisms** directed at MoFEA, MoGCSW and the National Assembly will make a difference. This can also include one-on-one dialogue sessions with the respective Ministers for stakeholder buy-in.
- **Disability-Compliant Building Plans:** The Department of Physical Planning under the Ministry of Local Government and Lands should be given the additional

responsibility to ensure that all approved plans for construction are disability compliant.

- **GPPA Approval:** Similarly, the Gambia Public Procurement Authority (GPPA) has stepped forward recently to make sure that only service providers that are duly registered with the Authority can do business with Government entities. It must also ensure that the purchase of goods and services by MDAs are disability-compliant.
- **Infrastructure Requirements:** The country should prioritize disability-specific infrastructure, goods and services to improve the situation of persons with disabilities. Ramps should be built in structures of public and private institutions to provide easy access to persons with disabilities. There should be a policy decision to include ramps and/or elevators in the designs of new public buildings.
- **Reforming the Public Financial Management System:** The current Public Financial Management system has its own limitations. There are weaknesses linked to the consultation mechanisms with civil society organisations. It is restricted to a small number of stakeholders, hence the “elite capture”. To build open and inclusive societies, the Government needs to facilitate broad-based CSO participation like what used to happen during the heydays of the Pro-Poor Advocacy Group (Pro-PAG) rather than be contented with a “token approach”. Also, the overall **public finance management system** should contribute towards the realization of the rights of all persons with disabilities as specified in the Persons with Disabilities Act and the CRPD, using all public financial management instruments (transfers, public procurement, grants, contracts and tax expenditures). Additionally, there is a need to have **specific budget lines** for disability which will be supported by the development of a robust budget monitoring and tracking systems. MoFEA should also ensure that resources are efficiently used for the purpose for which they are appropriated. The national and local government budget processes need to be more inclusive to accommodate persons with disabilities and their allies. For the process to be impactful, stakeholder groups must also ensure that the accountability relationship is functional. Experts are of the view that CSO involvement in the budgeting process is not straightforward and is restricted by default to a small group of well-informed professional CSOs.
- **Coding of Disability Expenditure:** The Ministry of Finance and the Local Government Authorities must ensure that there is adequate coding of disability-related budget expenditures and expenses in the national and Local Government budgets. MoFEA should consider having classifiers in the national budget that would allow disaggregation of budget data for specific groups (women, children) and there is a separate classifier for Persons with disabilities.
- **Engaging with the Budget Process:** To be effective, Organisations of and for persons with disabilities must engage with the budget processes. They will need to hone their skills in budget analysis and budget monitoring to be able to demystify the budget document which is largely perceived as inaccessible. Taking advantage

of the Rights to Information Act, activists and advocates for disability inclusion can request budget information from central/local government bodies, analyze the budget to inform their lobbying and advocacy strategies. This will be the only way to get the details of how much goes to persons with disabilities both directly (to determine programme expenditures) and indirectly (to determine administrative expenditures) and then identify funding gaps.

- **Research to Inform Policy:** Research must be undertaken to determine the correct number of PWDs in the country, the various types of disability, and the diverse needs of persons with disabilities, including specific indicators on women and children with disabilities. The indicators chosen must be well-defined and can be effectively measured to track progress towards specific goals and objectives.
- **Coordination of Interventions:** It is recommended for all organisations working on disability as a thematic area to be coordinated through a central body where all stakeholders are represented to facilitate mainstreaming of issues, planning and implementation of programmes.
- **Sign Language Experts:** There should be sign language experts in public institutions to assist persons with disabilities access facilities and services.
- **Monitoring of the Implementation of the Act:** It will be necessary to monitor the progress of CPRD-Compliant budgeting at two (2) levels: budgetary allocation and actual expenditures to determine how impactful the interventions are going to be.
- **Programme-Based Budgeting:** Admittedly, programme-based budgeting which is gradually being introduced by the Ministry of Finance and “results-based budgeting will be instrumental to effective budgeting for persons with disabilities and their families”.
- **Social Package:** It is important to determine a social package that adequately covers most disability-related expenses of individuals and families to facilitate their welfare and well-being.
- **Disability Awareness Campaigns:** As the primary duty bearer, the Government of The Gambia should help to create disability awareness in its Ministries, Departments and Agencies (MDAs) to facilitate the much-needed buy-in ahead of the implementation of the Persons with Disabilities Act. They must also ensure through the Ministry of Lands, Regional Administration and Religious Affairs that the Area Councils, the Kanifing Municipal Council and Banjul City Council do the same. The issues linked to accessibility, participation and non-discrimination should underpin the legal and regulatory frameworks that govern the public service in general.
- **Financial Inclusion:** Financial support from development partners will make a huge difference in the campaign for disability-inclusion. Additionally, providing start-up

capital for persons with disabilities would help persons with disabilities assert their independence.

- **National Coordination:** The Gambia Government will need to put in place robust mechanisms to monitor the implementation of the Persons with Disabilities Act in line with Articles 4 (general obligations), 31 (data) and 33 (national monitoring and implementation) of the UNCRPD to avoid duplication of efforts.
- **Communication:** Sign language interpreters are in short supply. As it stands, The Gambia has only five (5) sign language interpreters: three that are well experienced and two (2) trainee interpreters. All the others have left the country. There is thus the need to provide funding to train more, as a matter of urgency. Adequate numbers of sign language interpreters as well as interpreter-guides for deaf and blind persons are requirements as per the Persons with Disabilities Act.
- **Development Partners:** For the Gambia to make the most of assistance, development partners must ensure that projects and programmes funded by taxpayers' money are inclusive and accessible for persons with disabilities
- **Cash Transfers/Disability Benefits:** The Directorate of Social Welfare and the Social Protection Secretariat should look into the most cost-effective and sustainable way of ensuring coverage of the extra costs incurred by persons with disabilities "via cash transfers".



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