

Advancing the Rights of Persons with Disabilities in The Gambia



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“Without a proper education or career prospects, people living with disabilities in The Gambia are unlikely to fully integrate into society or earn good wages, and thus putting them at further risk of exclusion and poverty.”

Chairperson, National Human Rights Commission.

The National Human Rights Commission, in partnership with the Gambia Federation for the Disabled, organised the National Forum on Disability Rights in The Gambia, held from October 25-26, 2023, at the Sir Dawda Kairaba Jawara International Conference Centre.

Persons with Disabilities in The Gambia continue to face serious challenges in the

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enjoyment of their human rights, including stigmatization in the society and discrimination in accessing services such as health, education and employment.

Their lack of education and vocational and livelihood skills have exacerbated poverty amongst them, while their exclusion from key public sectors and minimal inclusion in governance have severely hampered their contribution to the socio-economic development of the country. Women and children with disabilities also suffer abuse and exploitation in their families and in the communities.

This two-day Forum raised awareness on the rights of Persons of Disabilities in The Gambia and what environmental, institutional, community and social changes ought to take place so that Persons with Disabilities can live in dignity and without stigmatization and discrimination.

In various panel discussions, State actors and disability rights activists deliberated on the level of implementation of the Persons with Disabilities Act 2021, including progress and challenges registered, and what strategies should be put in place to accelerate the effective enforcement and implementation of the Act. Government Ministries, Departments and Agencies were reminded of the obligations imposed on them by the Act, including the mainstreaming of issues of disabilities in their services and programmes.



Cross session of participants of the forum

Stakeholder's Conference on the Effects of Corruption on the Enjoyment of Human Rights



Over fifty participants, including representatives from Civil Society Organisations, the media, Government institutions and National Assembly, gathered at Ocean Bay Hotel for a one-day conference, held on the 12th December 2023, to discuss the links and intersectionality between corruption and human rights, and the effects of corruption on the enjoyment of human rights in The Gambia.

The Conference created an understanding of the impact of corruption on the enjoyment of human rights, strengthened the political will for the enactment of the Anti-Corruption Bill 2019, identified strategies through which the public can hold

the Government accountable for its efforts to effectively tackle corruption and urged for effective and concerted stakeholder coordination in addressing corruption in The Gambia.

Speaking at the opening of the event, the Vice Chairperson of the National Human Rights Commission, Mrs. Jainaba Johm,

reflected on the Gambia's ranking on Transparency International 2022 Corruption Perception Index where The Gambia scored 34% and was ranked 110 out of 180 countries, making it one of the many corrupt countries in the world.

According to Madam Johm, NHRC organised this

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Mrs. Jainaba Johm, Vice Chairperson of NHRC delivering a speech

Tackling Corruption...

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convergence to not only raise awareness on the adverse effects of corruption on the enjoyment of human rights in the country but to also work with the Government to vigorously fight against corruption, strengthen institutions and laws and ensure The Gambia's ranking in future Transparency International's Corruption Perception Index is significantly improved.

"The Gambia cannot run away from its commitments under international human rights law. It has ratified the UN Convention against Corruption in 2003 and the AU Convention on Preventing and Combating Corruption in 2009. These two Conventions have automatically placed an obligation on The Gambia to put in place systems and laws to vigorously fight against corruption", said Mrs. Johm.

Speaking on behalf of the Attorney General and Minister of Justice, Mr. Alieu Jallow commended NHRC for organizing such a conference on the impact of corruption on human rights. He acknowledged the crucial role the NHRC is playing in the promotion and protection of human rights in the country and also recognized that corruption



Mr. Alieu Jallow

denies the enjoyment of human rights and undermines the principles of justice, equality and accountability.

According to Mr. Jallow, The Gambia Government has taken significant steps in combating corruption, including the enactment of legislation to combat corruption and enhance transparency.

"The Anti-Corruption Act of 2012 provides a comprehensive and legal framework to prevent, investigate and prosecute corruption cases. The Anti-Corruption Bill 2019 that is before the National Assembly, is another demonstration of the Government's commitment to fight against corruption," asserted Mr. Jallow.

Honourable Kebba Lang Fofana, the keynote speaker and a member of the National Assembly Finance and Public Accounts Committee (FPAC), said that the National Assembly recognises the fact that the fight against corruption is the

single most important battle that should be persistent. He dilated on the adverse effects of corruption on the progress and development of a country, and how it deepens poverty and deprives people of wealth, education and the much-needed investments in agriculture and other productive sectors of the economy.

"The fight against corruption requires concerted efforts and must be championed by the Government, the National Assembly, all other institutions, the media and the public. It would also require attitudinal change on the part of every member of the society", Hon Fofana advised.

There were panel discussions on various topics relating to corruption and human rights. Panelists included Government Officials from the Ministry of Justice and

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Tackling Corruption...

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the National Audit Office, human rights activists, Civil Society workers, researchers, anti-corruption advocates, an investigative journalist and a former Auditor General.

The panel discussions focused on the content of the Anti-Corruption Bill 2019, including its weaknesses, strengths and immunity and security of tenure of the Commissioners; the wanton exploitation and unabated depletion of the country's natural resources by few individuals; impact of corruption on political participation and good governance; permeation of corruption in every facet of society; social acceptance and encouragement of corruption and corrupt practices; and the strategies CSOs should explore to curb corruption and support the strengthening and effective functioning of State institutions.

In his Closing Statement, the Chairperson of NHRC, Mr. Emmanuel Daniel Joof, called for serious re-assessment of our value system and the need for value clarification, especially societal perception, condemnation of and

scorn towards individuals who are upright, principled and stand firmly against bribery and corrupt practices in their institutions and in the society.

“There are those who believe that if you are not corrupt, you don't want success in life. If the value system disappears, it is difficult to get it back,” warned Mr. Joof.

Chairperson Joof stressed the urgent need for concerted national, institutional and individual efforts against corruption, the failure of which could adversely affect the enjoyment of human rights, development, security and peace.



Emmanuel Daniel Joof
Chairperson, NHRC

Obafemi Awolowo University won a cash prize of GMD150,000 (\$2,226) for emerging as the Winner of the 4th Edition of the SDK International Moot Court Competition

Obafemi Awolowo University in Nigeria emerged as the winner of the 4th Sir Dawda Kairaba Jawara Moot Court Competition organized by the National Human Rights Commission in collaboration with the University of The Gambia Faculty of Law, with funding from the European Union through International IDEA.

The Moot Court is a key activity of NHRC to create a platform for university students across Africa to



Ms. Jainaba Faye (center), Head of Country Office, International Idea with the finalists

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Obafemi Awolowo University won a cash prize...

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to practice and improve both their written and oral advocacy skills in the field of Economic, Social and Cultural Rights.

The final stage of the moot competition was held on the 10th of December 2023 at Sir Dawda Kairaba Jawara International Conference Center, coinciding with the International Human Rights Day.



Speaking at the opening of the Moot Court finals, the Chairperson of the National Human Rights Commission, Mr. Emmanuel Daniel Joof, gave a historical background of the Competition started in 2020 and how it aligns with Section 12 of the NHRC Act 201, which mandates the Commission to promote awareness of, and respect for human rights through public awareness and education programmes, and to create a culture of human rights in The Gambia.



Emmanuel D. Joof, Chairperson, NHRC

Chairperson Joof paid tribute to and recognized the legacy of the former

Chairperson Joof paid tribute to and recognized the legacy of the former President of the Republic of the Gambia, Alhaji Sir Dawda Kairaba Jawara, whom the Moot Court is named after.

“We named this International Moot Court competition after the first President of The Gambia, the late Alhaji Sir Dawda Kairaba Jawara, as a befitting tribute for his contribution in laying the foundation for the establishment of the African Human Rights System. This is a manifestation of the enduring legacy of Sir Dawda Kairaba Jawara, who was known as a respecter of human rights during an era when respect, promotion and protection of human rights in Africa was a rarity”. Said Commissioner Joof.



Madam Lady Chilel Jawara, wife of the former President, Alhaji Sir Dawda K. Jawara

Delivering a statement on behalf of the Dean of the Faculty of Law, Mr. Ebrima Saho gave a historical context of human rights, offering an overview of the evolution of human rights in The Gambia.

Dr. Desta Tiruneh, the WHO Representative and UN Resident Coordinator, stated: **“Today, we join the world in celebration 75 years of the Universal Declaration of Human Rights, and we take this opportunity to take stock of where we are and how we want to proceed in terms of ensuring the full realization and enjoyment of everyone’s human rights in The Gambia”.**

Deputizing for Ms. Mariam Denton, the former Speaker of the National Assembly of

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Obafemi Awolowo University won a cash prize...

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The Gambia, also provided a succinct history of human rights in The Gambia, with specific reference to the neglect of human rights during the 22-year rule of former President, Yahya Jammeh.



Haddy Dandeh Jabbie

Madam Jabbie described the current human rights situation as transformative, to ensure that human rights are not just merely acknowledged but genuinely enjoyed by all.

Other speakers at the opening ceremony included Ms. Enya Braun, The EU representative, Ms. Jainaba Faye, Head of Country Office and Programme Manager, International IDEA, and Ms. Shodimu, a participant from the University of Lagos.



The theme of the Moot Court competition centered on the justiciability of Economic, Social and Cultural Rights. The mooters argued on a hypothetical case before the African Court.



After the preliminary rounds, University of Lagos, Makerere University, the University of The Gambia and Obafemi Owolowo University made it to the semifinals. Following intense submissions by the participants, who argued for both the applicant and respondent, and meticulous assessments by the panel of Judges, University of Lagos and Obafemi Awolowo University proceeded to the final stage of the competition.



In a grueling and intense final round, both universities demonstrated exceptional legal acumen, navigating complex human rights scenarios and presenting compelling arguments rooted in international human

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Obafemi Awolowo University won a cash prize...

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rights law. However, Obafemi Awolowo University emerged as the winners with a cash prize of GMD150,000 and the University of Lagos as the runner ups with a cash prize of GMB 100,000.



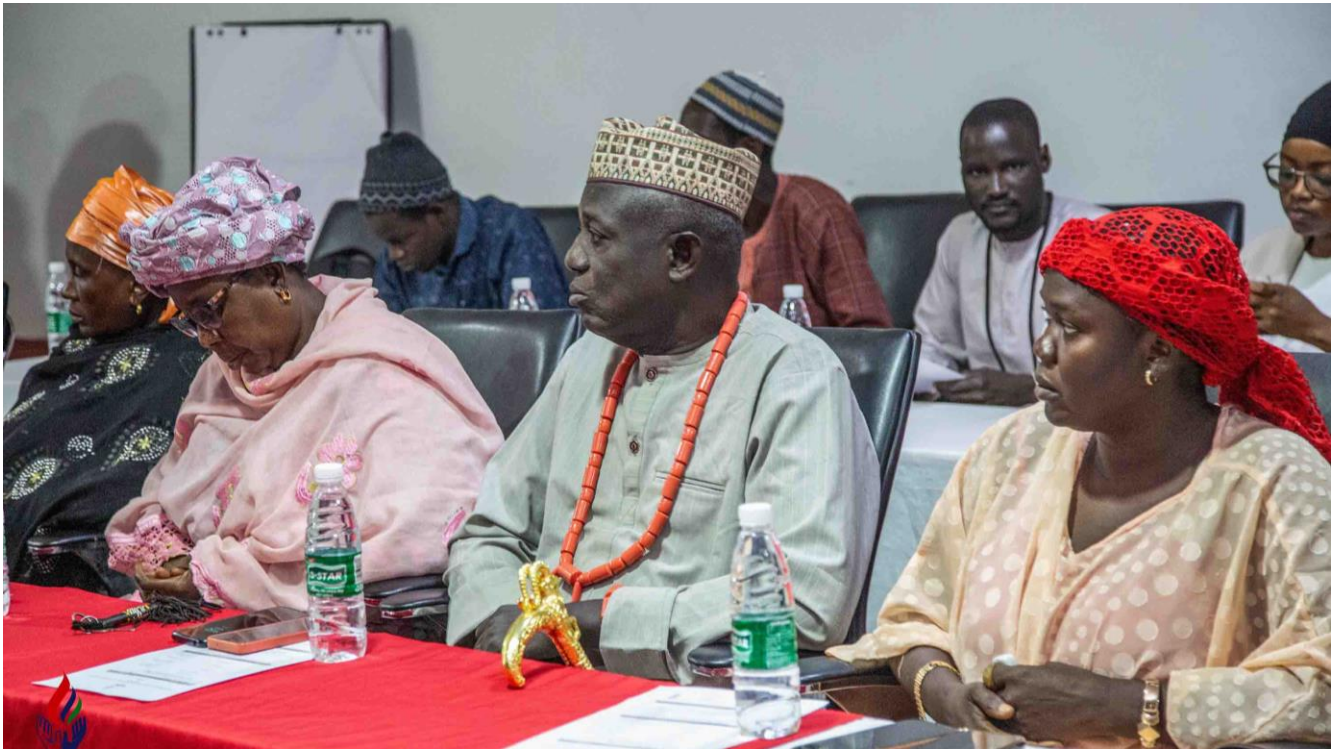
The following seven Universities participated in the preliminary rounds: Obafemi Awolowo University, Nigeria, Louis Arthur Grimes School of Law, University of Liberia, University of The Gambia, International Open University, The Gambia, Fourah Bay College, University of Sierra Leone, Makerere University, Uganda (Uganda), University of Lagos, Nigeria.

Louis Arthur Grimes School of Law and Fourah Bay College were dropped at the preliminary rounds, while the University of Calaba, Nieria, was disqualified for plagiarism.

The Moot Court... in Pictures



Quarterly Interface with Victims and Victim Organizations on the Implementation of the Government White Paper on the Report of the TRRC



Some of the participants of the interface

As part of its monitoring mandate, the Commission held its quarterly interface with victims and victim-led organisations, to share information on the progress of implementation of the Government White Paper on the TRRC Report and promote active victim participation in the monitoring process.



Victim participation in both the implementation and monitoring of the Government White Paper is important as the truth-seeking process of the TRRC was victim centric. It was through the testimonies of the victims that the truth about the scale and extent of the violations that occurred during the regime of former President Jammeh came to light.



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Interface with Victims...

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Through these regular interfaces, the NHRC serves as a 'mouthpiece' for victims, especially to promote the timely enactment of a comprehensive Victims Reparation Bill and their effective involvement in the implementation and monitoring processes.

During this particular interface, the victims, who came from all the regions of the country, discussed their levels of inclusion and satisfaction in the implementation of the White Paper, especially the implementation of the recommendations relating to prosecution and reparation. They called for the expeditious enactment of the Victims Reparation Bill and timely communication of information on the implementation of the White Paper from the Ministry of Justice.



Training of Trainers on the Code of Conduct and Guidelines on Policing Public Assemblies for The Gambia Police Force



The Commission, in collaboration with the Gambia Police Force and with support from the American Embassy, organized a three-day Training of Trainers, held from 5 -7 December, for law enforcement officers on the

rights to freedom of expression and assembly, the Code of Conduct for the Gambia Police Force and the Guidelines for Policing Public Assemblies in The Gambia. Both the Code and the Guidelines were developed by the NHRC in collaboration

With the Gambia Police Force. 40 instructors from the Police Training School and other law enforcement institutions such as The Gambia Immigration Department, Gambia Prison

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Training of Trainers on the Code of Conduct...

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Services, Gambia Fire and Rescue Services, Gambia Armed Forces and the Drug Law Enforcement Agency The Gambia (DLEAG) benefitted from the training.

The training is part of the NHRC's contribution to the Security Sector Report. It enhanced the understanding of law enforcers on legal provisions and standards on freedoms of expression and assembly and strengthened their understanding on how to effectively and within the bounds of the law, police public assemblies in the Gambia.



Commissioner Bojang presenting



Participants of the training



Participants of the training



A participant receiving her certificate from Mrs. Jainaba Johm, Vice Chairperson of NHRC

Validation of The Advisory Note on the Right to Food in The Gambia



(L-R) Dr. Desta Tiruneh, the WHO Representative and UN Resident Coordinator, Mr. Emmanuel D. Joof, NHRC Chairperson, Dr. Saikou Sayang, Director of Agriculture and Mr. Malang Fofana, Deputy Director of NaNA.

In fulfilment of its broad mandate under the NHRC Act, the Commission has, since its establishment in 2019, issued several Advisory Notes, including Advisory Notes on the Right to Freedom of Assembly and Peaceful Demonstration, the 2020 Draft Constitution, Right to Mental Health in The Gambia, Elections Act, and Sexual Harassment in the Workplace.

The Commission, in collaboration with the Ministry of Agriculture and National Nutrition Agency (NaNA) and with the technical and financial support of the Food and Agriculture Organisation (FAO), developed the Advisory Note on the Right to Food in the Gambia to advice and assist the Government in the formulation of laws, policies,

and action plans to promote, protect and fulfil the right to food. The validation of the Advisory Note was held on the 21st of September 2023, and was attended by the Country Representative of the FAO, senior Government officials from the Ministry of Agriculture, Ministry of Basic and Secondary Education and NaNA, and representatives of Civil Society Organisations working on food security in the country.

It was officially launched at the World Food Day commemoration, which was held in Farafenni, North Bank Region, on 16 October 2023.

The Advisory Note provided an overview of the legal frameworks on the right to food in The Gambia and at the regional and international levels; highlighted the gaps in the legal framework of The Gambia; proffered

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Cross session of participants of the validation

Advisory Note on the Right to Food...

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recommendations to the Government to guarantee and render justiciable the right to food and suggested best practices for the attainment of the right to food in The Gambia effectively and adequately.

The right to food is a fundamental human right guaranteed under the Universal Declaration of Human Rights (UDHR) and other international and regional human rights instruments ratified by The Gambia. It is also an integral element of the realization of all other human rights. Thus, the NHRC, in line with its broad mandate to promote and protect human rights, would continue to advocate for and collaborate with the State and other partners for the justiciability of the right to food in The Gambia.

NHRC Donor Roundtable



The second Donor Roundtable briefing was held with development and donor partners and critical stakeholders within The Gambia and abroad to share NHRC's achievements, challenges and lessons learned since the implementation of its Strategic Plan 2021-2025. The Forum provided the Commission the opportunity to share its programmes, new areas of focus and what support it will require from both the Government and development partners as it pushes to promote and protect human rights in The Gambia.

The Strategic Plan outlines six (6) cross-cutting and complementary Strategic Objectives through which the NHRC seeks to realise, as articulated in its vision, "A Gambia where everyone enjoys their fundamental human rights and freedoms". As per its Resource Mobilisation Plan, the Commission is expected to mobilise GMD396M (equivalent to US\$7.9M) to effectively implement its Strategic Plan 2021-2025.

To date, the Commission has been able to raise the sum of GMD 25.4m (equivalent to US\$ 0.4m) as part of its resource mobilisation efforts. Funds received from the Government since the commencement of implementation of the Strategic Plan amount to GMD 120.4m (equivalent to US\$ 1.9m). The total funds received so far from both the Government and development partners represent 36.8% of the Strategic Plan funding requirement. As such, it is estimated that the NHRC will be required to raise more than 60% of the funds in the next two and half years for the effective realisation of the outcomes and activities outlined in its Strategic Plan.

Development partners expressed their appreciation and admiration for the great work of the Commission and pledged to support its efforts to deepen understanding and respect for human rights in the country.

Training of Community Based Structures and Organisations in URR, NBR and LRR on Social Accountability and Human Rights



The NHRC Regional Offices in Basse and Farafenni conducted training workshops for Community Based Structures and Organizations in Upper River Region, North Bank Region and Lower River Region to strengthen their capacity for greater accountability and promotion and protection of human rights.

The three training workshops, held from 27 to 28 November 2023, and funded by the American Embassy, focused mainly on the functions and powers of the NHRC, human rights, social accountability, the Local Government Act 2002 as amended and domestic, regional and international human rights instruments, that focus on the rights of marginalised groups like women, children, and

Persons with Disabilities.

The workshops were attended by representatives from groups such as Mothers' Clubs, Community Child Protection Committees, women's groups, and members of the National Youth Council. They provided the staff of the Regional Offices the opportunity to amplify the work of the NHRC at regional levels and identify possible areas of

collaboration with the participating groups.

The participants enhanced their understanding in social accountability, developed Score Cards and Citizens Report, and identified strategies through which they could promote and defend human rights and hold the Local Governments accountable for the services they provide to the people.



Some of the participants of the training



Women's Sexual and Reproductive Health Rights

1. What are sexual and reproduction rights?

Sexual and reproductive rights include the freedom to make choices regarding one's sexual well-being and ability to procreate without hindrance, violence, or prejudice. They include the right to have access to resources for sexual and reproductive health, including information, services, and products.

2. What are some examples of rights related to sexuality and reproduction?

The availability of contraception, family planning, safe and legal abortion, thorough sexuality education, and maternal healthcare are a few examples. It also includes the freedom from gender-based violence and the right to make decisions about one's own body, including whether to have children.

3. Are sexual and reproductive rights protected under international human rights law?

Yes, the rights to sexual and reproductive freedom are essential human rights. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the

Elimination of All Forms of Discrimination Against Women (CEDAW) all guarantee these rights.

4. What is all-encompassing sexual education?

Providing accurate, age-appropriate information about human sexuality, relationships, consent, and reproductive health is the goal of comprehensive sexuality education. It strives to equip people with the knowledge they need to make wise decisions about their bodies, relationships, and overall wellbeing.

5. What is the significance of having access to family planning and contraception?

People who have access to family planning and contraception can manage their reproductive choices, schedule pregnancies, and space childbirths. This improves maternal and child health, lowers unwanted pregnancies, and gives women the confidence to pursue their educational and professional goals.

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schedule pregnancies, and space childbirths. This improves maternal and child health, lowers unwanted pregnancies, and gives women the confidence to pursue their educational and professional goals.

7. Does the protection against gender-based violence extend to sexual and reproductive rights?

Yes, sexual and reproductive rights include protection from gender-based violence, including violence against intimate partners, sexual harassment, and harmful customs like child marriage and female genital mutilation.

8. Can a woman decline medical care while giving birth?

Yes, women have the right to refuse medical care, including during childbirth, and to give their informed consent. Their care should be respectful and dignified, respecting their choices while putting their health and safety first.

9. Can young people obtain assistance for sexual and reproductive health?

Yes, young people have the right to age-appropriate services and information about sexual and reproductive health. Such services ought to take into account their changing needs and offer private, compassionate care.

10. How can governments guarantee that people's sexual and reproductive rights are upheld?

Adopting and putting into practice laws, policies, and programs that support thorough sexuality education, accessibility to high-quality healthcare services, and protection from discrimination and violence would help governments assure the achievement of sexual and reproductive rights.

11. What role do healthcare providers play in upholding sexual and reproductive rights?

Healthcare providers play a critical role in upholding sexual and reproductive rights by providing accurate information, respectful care, and non-discriminatory services. They should uphold patients' autonomy and confidentiality while offering the best possible care.

12. How can I promote the rights to sexual and reproductive freedom?

Raising awareness, participating in community discussions, supporting groups that address these issues, and lobbying for laws that uphold and advance

these rights on a local, national, and worldwide level are all ways you can support sexual and reproductive rights.

13. Are reproductive rights of women protected under Gambia laws?

Yes, Part VII of the Women's Act 2010 provides for women's right to health including sexual and reproductive rights.

14. Is abortion legalised in The Gambia?

Abortion is not fully legalised in The Gambia. The only instance where abortion is permitted under section 30 of the Women's Act is where the continued pregnancy endangers the life of the mother or the fetus.

15. What is the obligation of the state in relation to sexual and reproductive rights of women?

To ensure that women are entitled to reproductive healthcare services, goods and facilities are available in adequate numbers, accessible physically and economically, accessible without discrimination and of good quality.



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