



STATEMENT COMMEMORATING THE DAY OF THE AFRICAN CHILD

16 JUNE 2022.

The National Human Rights Commission (NHRC) and the Thematic Committee on Vulnerable Groups join the rest of Africa to mark the Day of the African Child (DAC). The day presents an opportunity for Governments and stakeholders, including National Human Rights Institutions, to reflect on the challenges children face despite the laws and policies that have been established to promote, protect, and fulfil their rights. It is also a day to highlight progress and lessons learned over time.

The theme for this year's commemoration is '***Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice since 2013***'. The Gambia registered significant milestones in the area of law and policy. The National Social Protection Policy and the National Child Protection Strategy both cover comprehensive critical issues such as child marriage, FGM, child labour. This is complemented by the establishment of a specialized ministry for children's protection, the Ministry of Gender, Children and Social Welfare, the Police Child Welfare Unit, the Social Welfare Hotline Service and community-based child protection systems.

However, as we reflect on this theme, it provides us the opportunity to evaluate the impact of the laws and policies we have in place to prohibit Female Genital Mutilation (FGM), child marriage, child trafficking, child labour, sexual abuse and exploitation, child sex tourism, and other harmful social and cultural practices, and how they affect children in our country.

Despite the existence of numerous domestic legislations and being party to child-focused regional and international legal instruments, children in The Gambia continue to be subjected to harmful practices which violate their human rights. FGM is still practised across the country. According to the Demographic and Health Survey (DHS) 2019/2020, up to 73 percent of women aged 15 to 49 years have undergone the practice. The Survey also showed that FGM is most prevalent in Basse, Upper River Region, at 95 percent among women aged 15–49 years. The trend does not seem to decline despite the ban in 2015 through the amendment of Sections 32A and 32B of the Women's Act (2015). This is also reflected in the Children's Act as amended in 2016 under Section 19, which states that

“no child shall be subject to any social and cultural practice that affects the welfare, dignity, normal growth and development of the child and, in particular, these customs and practices that are: (a) prejudicial to the health and life of the child, such as female circumcision...”

While 18 years has been set as the minimum legal age for marriage for both boys and girls through the amendment of the Children’s Act in 2016, child marriage remains prevalent. According to the Multiple Indicator Cluster Survey (MICS 2018), 34.2 per cent of the women aged 20-49 years were married before the age of eighteen years.

Economic labour also affects children as early as 5-years of age with a higher prevalence among adolescence, 15-17 years (Child Protection Situation Analysis in The Gambia, 2022). When children are on the streets, especially during school hours, they miss out on their right to education. It also exposes them to other forms of vulnerability, especially sexual abuse, and exploitation. For many of these children, this increases the burden of poverty and exclusion that they may face in their communities.

The theme for this year’s commemoration is therefore critical to the country context as it presents a unique opportunity to identify challenges in the implementation and enforcement of laws that protect children. It is also an opportunity for the Government to reinforce the bold steps that were taken in 2015 and 2016 to legally prohibit FGM and Child Marriage respectively.

“We have an obligation to end to all forms of harmful practices which deny too many children, especially girls, the right to life, protection from inhumane and degrading treatment, the rights to development and education, dignity, and best attainable standard of physical and mental health. It is the Government’s primary duty to effectively enforce and implement all laws that protect children from these practices. Our children want us to now move beyond policy to action, to secure for them a better future”, said Emmanuel Daniel Joof, Chairperson of the National Human Rights Commission.

On the Day of the African Child, we call on the Government and all actors to build on the gains achieved and to ensure full enforcement of the laws that protect children to secure their best interest.