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**REPORT OF THE HUMAN RIGHTS PROMOTION MISSION TO
THE REPUBLIC OF THE GAMBIA**

19 - 24 APRIL 2017

ACKNOWLEDGEMENTS

The African Commission on Human and Peoples' Rights (the Commission) is grateful to the Government of the Republic of The Gambia for kindly hosting this first ever human rights promotion mission undertaken by a delegation of the Commission from 19 to 24 April 2017.

The Commission expresses its sincere gratitude to the country's highest authorities for providing the delegation with the necessary facilities and personnel for the smooth conduct of the mission.

The Commission also expresses its appreciation to His Excellency Mr. Ba Tambahou, Attorney General and Minister of Justice for his personal involvement in the organization of the various meetings which greatly contributed to the success of the mission.

Finally, the Commission expresses its gratitude to Miss Bafou Jeng and Ms Matilda Mendy from the Gambian Ministry of Justice for assisting the delegation throughout their stay and for facilitating the organization of the various meetings.

Acronyms and Abbreviations

ACDHRS:	African Center for Democracy and Human Rights Studies
AIDS	: Acquired Immune Deficiency Syndrome
ARV	: Antiretroviral
AU	: African Union
CSO	: Civil Society Organization
ECOWAS:	Economic Community of West African States
EU	: European Union
FGM	: Female Genital Mutilation
GDP	: Gross Domestic Product
HIV	: Human Immuno deficiency Virus
ICC	: International Criminal Court
IEC	: Independent Electoral Commission
IHRDA	: Institute for Human Rights and Development in Africa
GBA	: Gambia Bar Association
NGO	: Non-Governmental Organization
NIA	: National Intelligence Agency
PURA	: Public Utilities Regulatory Authority
TANGO	: The Association of Non-Governmental Organisations
UN	: United Nations
UNDP	: United Nations Development Programme
UNICEF	: United Nations International Children's Emergency Fund

PART ONE

I. INTRODUCTION

1. The African Charter on Human and Peoples' Rights (the African Charter), adopted on 21 June 1981 by the Assembly of Heads of State and Government in Nairobi, Kenya, became effective on 21 October 1986. Article 30 establishes the African Commission on Human and Peoples' Rights (the Commission) thereby making it the main organ of the African Union (AU) for the promotion of human rights. The Republic of The Gambia is a State Party to the African Charter, having ratified the same on 8 June 1983.
2. Under Article 45 of the African Charter, the Commission is mandated to promote human rights and fundamental freedoms enshrined in the Charter, ensure their protection and the monitoring of its implementation, interpret its provisions and provide legal advice at the request of the Assembly of Heads of State and Government. In addition, the Commission is tasked with collecting documents, undertaking studies and researching on African problems in the area of human and peoples' rights, organizing seminars, symposia and conferences, disseminating information, encouraging national and local institutions dealing with human and peoples' rights and, where appropriate, giving advice or making recommendations to governments.
3. It is in the context of the implementation of the human rights promotion mandate of the Commission that Commissioner Jamesina Essie L. King (henceforth Commissioner King), Commissioner Rapporteur for The Gambia and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; and Commissioner Reine Alapini-Gansou (henceforth Commissioner Gansou), Special Rapporteur on Human Rights Defenders in

Africa, assisted by staff¹ from the Secretariat of the Commission , undertook a human rights promotion mission in the Republic of The Gambia from 19 to 24 April 2017.

4. During the mission, the Commission delegation collected specific information on the human rights situation in The Gambia, disseminated the conventions of the African Union and the documents of the Commission as well as all the other relevant international human rights instruments. The Commission also enhanced its visibility and raised awareness among all state and non-state stakeholders about its work and its subsidiary mechanisms.

II. TERMS OF REFERENCE

5. The objectives of the mission were as follows:

- Promote the African Charter and all other international human rights instruments;
- Strengthen the collaboration between the Commission and the authorities of the Republic of The Gambia in relation to the promotion and protection of rights guaranteed under the African Charter as well as under other relevant international human rights instruments;
- Engage dialogue with the Government with regard to legislative measures and other measures taken to implement provisions of the African Charter and other human rights instruments ratified by the Republic of The Gambia;
- Exchange views and share experiences with the Government, and with other stakeholders working on human rights in the country, on strategies aiming at improving the enjoyment of human rights;
- Gather relevant information on the situation of the rights of women, children,

¹ - Mr Bruno Menzan, Legal Officer at the Secretariat of the Commission; and Mr Reginald Mere, Protocol Assistant at the Secretariat of the Commission.

asylum seekers, refugees, migrants, older persons, persons with disabilities and other categories of vulnerable persons living in the country; and underscore good practices and positives measures while noting the challenges encountered in the course of the implementation of provisions of the African Charter as well as various human rights instruments ratified by The Gambia;

- Assess the level of enjoyment regarding economic, social and cultural rights of populations, as well as measures taken by the Government to implement this category of human rights;
- Gather information on the situation of human rights defenders and discuss with all stakeholders the challenges that hamper the effective enjoyment of human rights of human rights defenders;
- Exchange views and gather information on extractive industries, and assess the impact of extractives industries on the life of populations as well as on the environment;
- Gather information relative to the issue of HIV/AIDS and the measures as well as policies put in place by the government to prevent this pandemic; and to protect human rights of persons living with the virus as well as persons at risk, vulnerable persons, and persons affected by this disease;
- Meet all stakeholders involved in the domain of human rights with a view to, among others, exchange on their programmes, their assessment of the human rights situation in the country and challenges encountered in the course of their activities;
- Visit prisons and other detention facilities with a view of ascertaining conditions of detention of persons in custody;
- Visit all other places and establishments that have an impact on the enjoyment of human rights in the country.

III. THE PROFILE OF THE REPUBLIC OF THE GAMBIA

A. Overview of the historical, geographical, demographic, economic and international profile of The Gambia

6. The Gambia gained independence from the United Kingdom in 1965 and was ruled by the People's Progressive Party of Sir Dawda Jawara from 1965 up to the military coup led by Yahya Jammeh in 1994 who ruled the country up to mid-January 2017. H.E. Adama Barrow the current President was elected in December 2016.
7. The Gambia is located in West Africa and is the smallest state on the African continent, with a population of approximately 2 009 000 people.
8. Eight ethnic groups make up the majority of people in the Gambia. The biggest groups are the Mandinka (33.8%), Fulani (22.1%), Wolof (12.2%), Jola (10.9%) and Serahuleh (7%). While English is the official language, Mandinka, Wolof, Fula and other indigenous languages are also widely spoken. At 95.7%, Muslims make up the overwhelming majority of the population, with Christians at 4.2%.
9. Most Gambians live in rural areas with 70% of the population relying on farming for their livelihood, and an economy that is to a large extent dependent on agriculture (20% of the GDP). The economy is mostly based on agriculture and tourism. It also has a liberal market-based economy characterised by traditional subsistence agriculture, a historic reliance on groundnuts (peanuts) for export earnings, a re-export trade built up around its ocean port, low import duties, minimal administrative procedures, and a fluctuating exchange rate with no exchange controls.
10. Other important sources of income are tourism and remittance flows from diaspora workers. The Gambia is also largely dependent on international aid and financial assistance from donors and lenders, but 'relations with

international donors have been negatively affected by the country's human rights records.

The Gambia is a Member State of the Economic Community of West African States (ECOWAS), the United Nations (UN), and the AU.

B. Overview of the form of government and administration of The Gambia

11. The Gambia is a presidential republic governed by the 1997 Constitution with a mixed legal system of English common law, Islamic law and customary law.
12. The president is elected by a simple majority every five years, and there are no term limits.
13. The president appoints the cabinet, which is the main executive body.
14. The legislature consists of a unicameral National Assembly with 48 members directly elected in single-seat constituencies by simple majority vote and a further five appointed by the president.
15. The Judiciary comprises of the Supreme Court (the highest court) which consists of seven justices appointed by the President of the Republic after consultation with the Judicial Service Commission. Subordinate courts consist of magistrate courts, district tribunals, Khadis, Special Criminal Court, High Court and Court of Appeal.
16. The Constitution does not provide for national human rights institutions.
17. The Gambia is divided into eight local government areas, including the national capital, Banjul, which is classified as a city. The Divisions of the Gambia were created by the Independent Electoral Commission in accordance to Article 192 of the National Constitution.

C. Legal framework for the Promotion and Protection of Human Rights

18. The Republic of The Gambia was party to the following major human rights instruments:

African legal instruments

- Constitutive Act of the African Union;
- African Charter on Human and Peoples' Rights;
- Protocol to the African Charter on Human and Peoples' Rights Establishing the African Court on Human and Peoples' Rights;
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- African Charter on the Rights and Welfare of the Child;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

International legal instruments

- Convention on the Prevention and Punishment of the Crime of Genocide. ;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity;
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Rights of the Child;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- Rome Statute;

- The Geneva Conventions²
- Convention on the Rights of Persons with Disabilities;
- Optional Protocol to the Convention on the Rights of Persons with Disabilities.

National legal framework for the Promotion and Protection of Human Rights

- Chapter IV of the 1997 Constitution of the Republic of The Gambia as well as a number of other Acts and policies constitute the legal framework for the promotion and protection of human rights in The Gambia.
- Some of the major Acts composing the legal framework for the promotion and protection of human rights in The Gambia are listed below:
 - i. The Children`s Act 2005;
 - ii. The Women`s Act 2010;
 - iii. The Refugees Act 2008;
 - iv. Trafficking in Persons Act 2007;
 - v. The Sexual Offences Act 2013;
 - vi. Domestic Violence Act 2013;
 - vii. National Human Rights Commission Act 2017;
 - viii. Truth Reconciliation and Reparation Commission Act 2017;
 - ix. Constitutional Review Commission Act 2017;
 - x. Tourism Offences Act 2008;
 - xi. National Agency for Legal Aid Act 2008;
 - xii. Alternative Dispute Resolution Secretariat Act 2005;
 - xiii. Labour Act of 2007;
 - xiv. The Ombudsman Act 1997;
 - xv. The Elections Act 2001; and
 - xvi. Information and Communications Act 2009;

² The Four Conventions were ratified by The Gambia in 1966 and the Two First Additional Protocols were ratified in 1989 while the Third one is yet to be ratified as well as the Declaration under Article 90 of the First Additional Protocol.

PART TWO

I. METHODOLOGY AND CONDUCT OF THE MISSION

19. The promotion mission to The Gambia was conducted in the form of interactions and meetings with the highest authorities and the different stakeholders involved in the promotion and protection of human rights. The delegation also visited Prisons and detention centres as well as institutions catering for vulnerable groups like elderly persons, children and persons with mental disabilities. At each of these meetings and visits, the delegation made a brief presentation of the Commission by outlining its organization, composition, mandate, operations and subsidiary mechanisms. It further presented the objectives of the mission and emphasized the sharing of best practices in the areas of interest to the mission.
20. Thus the human rights situation of The Gambia was deeply discussed with various stakeholders who shared their views, analysis of the gains, challenges and prospective developments relative to the said situation.

II. MEETINGS HELD BY THE DELEGATION OF THE COMMISSION

1. Attorney General & Minister of Justice

21. At this meeting, after exchanges of civilities and introductions, the delegation and the Minister, Mr. Ba Tambadou highlighted the peculiarity of this specific promotion mission happening after 22 years. Thus, the present mission authorised by the new Government is a positive development to be maintained so that the constructive dialogue between the Commission and The Gambia continues regarding strategies and means to improve the human rights situation of the country.
22. The Minister upon the request from the delegation, elaborated on aspects of the plans and actions of the new Government to give effect to the Charter and other international human rights obligations of The Gambia. He stressed that the country

aims at reversing positively the poor performance of the former government in the area of human rights and therefore would like to stress that the headquarters of the Commission should not be moved out of The Gambia as per the advocacy which has been going on in response to the failures of the former Government to abide by its basis human rights obligations.

23. For the Minister, rebuilding Gambian institutions through the necessary reforms, including constitutional reform, would create a better environment for the effective protection of human rights in the country. This would be carried by paying specific attention to areas and systems which have been seriously affected or perverted in the course of the perpetration of the systematic violation of human rights in the country. These areas are mainly, civil society environment, the media and the judicial system.
24. The delegation was informed by the Minister that a truth and reconciliation commission would be established. This process would be inspired by what has been done regarding similar institutions on the continent and adapted to the Gambian system and realities. The said commission would include a reparation system not made only of provision of cash to victims, but also of scholarships to children of victims and agricultural facilities. From the perspective of the Minister, there would be need to balance between all interests in setting up the mandate of the commission and for instance, take into account that some victims would prefer receiving funds for their rehabilitation and reparation rather than these being allocated to the prosecution of alleged perpetrators.
25. The Minister mentioned also the ongoing process relative to the establishment of a Human Rights Institution. The bill of the said institution was being reviewed by partners like the UNDP to ensure that it is compliant with the Paris Principles.
26. The Minister indicated further that keeping with the new Government's commitment to put human rights at the core of its actions and with a view to restore the cooperation with all international human rights bodies, The Gambia would

finalise and submit its Periodic State Report to the Commission and would ensure that the country remains up to date.

2. Office of the Vice President and Ministry of Women Affairs

27. At this meeting, the Overseer of the Office of the Vice President and Ministry of Women Affairs, Her Excellency Mrs Fatoumata Tambajang took the delegation through the new administration's plans regarding the overall reform needed in the legal framework of the country. She also spoke on the issue of women's rights and gender mainstreaming.

28. On the reform, she indicated the new administration would first get a dashboard of the state of affairs as inherited from the former administration prior to proceed on improving on where it is necessary. Hence, an agenda is already adopted and all processes will involve popular participation.

29. Further, she indicated that good examples from all over the world would be emulated in the reform process and she cited some of the key areas and issues to be tackled by the reform. These include:

- Separation of power would be reinforced;
- Age limits in participation of citizens to politics; namely the age limits relative to the position of vice-president of the Republic;
- Age limit of judges which has already been increased to 75 years old;
- The inclusion of the diaspora in political participation;
- The fees to compete during elections would be reduced to allow fairness and equality unlike the exorbitant amounts applying during the former administration and purposely increased at a time to prevent the opposition to compete in elections as the majority of its candidates could not afford these fees;
- Quota system aimed at mainstreaming gender would be instituted and the Ministry of Women's Affairs has been already working on the gender aspects

- of the reform to ensure that Gambia complies with international applicable treaties;
- Economic, Social and Cultural Rights would be catered for in the reform through mechanisms which are for instance conducive to a strong sector of enterprises;
 - The agricultural sector has to be reformed as it is the backbone of country's economy;
 - Infrastructural reforms including the building of new prisons;
30. Regarding the question of women's rights and gender mainstreaming specifically, the delegation was informed that the 12 per cent representation of women in decision making processes which the former administration claimed to have reached, is not realistic because the said representation could not be genuine it is mostly political
31. As for issues pertaining to harmful traditional practices like Female Genital Mutilations (FGM), early marriages and other factors hindering the full enjoyment of rights by women and girls, the delegation learnt that there have been progresses and challenges.
32. Thus, for early marriage, the progress is that a law exists which forbids the practice and due to the fact that this is a traditional issue, there is need to be patient to see effective and radical positive change happening. Also, the intention of the new administration is to guide the necessary reform to be conducted in the country by in-depth research on anything said to be driven by religion or traditions and which hinders the enjoyment of rights by women, girls and children.
33. In relation to FGM, it was also noted that the gain is the existence of a law outlawing the practice and that enforcing this law remains the challenge because of the income this practice generates for the women performing FGM. It is necessary to include an aspect which takes into account this reality while combatting FGM.

34. To conclude on the topic of the rights of women, girls and gender mainstreaming, the delegation was made to note that 52 per cent of the Gambian population is female and the Government would take this reality into account in all aspects of its actions, reforms, programmes and projects.
35. The delegation and Her Excellency Mrs Fatoumata Tambajang discussed other very important issues such as the threats of tribalism, issues of peace, stability, cohesion, transitional justice and some political aspects of the current situation in the country.
36. The delegation was told that risks of tribalism exist due to the fact that the former president utilised his minority tribe to discriminate against other tribes in the country. Thus cohesion is at the time of the mission a serious challenge and peace, stability of the country is at stake with skirmishes caused by tribal considerations already noted in the *Jola* communities.
37. The delegation was informed that the new administration is well aware of these challenges and is working on addressing the latter in a strategic manner which would ensure stability, peace to the country while at the same time delivering on justice and reparation for victims as well as sanctions for perpetrators. This work is done by avoiding witch-hunting, interference of the executive in the judiciary, applying due process and ensuring that the truth and reconciliation institution to be established would build upon best practices seen in other countries. She stated that a communication strategy is being prepared with the support of the UN and this would assist in managing the huge expectations from the public as well as avoiding chaos and public mistrust in the transitional processes.
38. The delegation was further informed of some practical steps already taken to address the past gross human rights abuses. These are the arrest of suspects of serious human rights violations and crimes under the former regime, exhumation of some of the bodies of those killed to conduct the necessary forensic examination which would serve the purposes of the investigations.

39. On the specific question of the political dynamics and agreement which brought into power the current coalition, the delegation was informed that a realistic approach would be to request the population to allow an extension of two more years of the initial period of three years agreed amongst members of the coalition as the duration of the transition. This is due to the fact that for technical reasons, the tasks to be completed by the coalition during the transition would not be finalised realistically speaking as these are carried out in the framework of projects funded or supported by donors.
40. The delegation received from Her Excellency Mrs Fatoumata Tambajang the strong commitment of the government to effectively comply with its obligations under ratified treaties, including its reporting obligations.
41. Her Excellency Mrs Fatoumata Tambajang opined that partners and the international community have already committed to provide the necessary resources and support to conduct the work above described and it is the responsibility of the country to prepare and present a clear agenda aimed at guiding the mapping and allocation of the relevant assistance.
42. The delegation and Her Excellency Mrs Fatoumata Tambajang revisited the various interventions of the Commission in relation to the human rights developments in the country under the former regime and acknowledged the consistence and unwavering support of the Commission to the country during its trying moments despite the difficult relationship existing with the then administration.
43. Finally, the delegation was assured of the commitment of the new administration to build the headquarters of the Commission as per the host agreement because it is an honour for a country to be chosen as the host of an important body as the Commission. The delegation was consequently requested to ensure that the relevant correspondence and communication reach the Government of The Gambia to remind the country of all aspects of the host agreement which are yet to be implemented.

3. Chief Justice

44. The delegation was received by His Lordship the Chief Justice Hassan Bubacar Jallow in the presence of Justice Mbai of the Court of Appeal.
45. The Chief Justice responding to various questions from the delegation indicated that the change of administration which happened recently through elections, gives the chance to rebuild the poor human rights record of the country and to restore the relationship with the Commission.
46. The Chief Justice stated that he is working to establish a truly independent judiciary unlike under the former administration where judges were not independent and security of tenure was inexistent.³ Hence, his strong message to judges to maintain independence and resist control from any person.
47. The Chief Justice described the current state of affairs of the judiciary of The Gambia which is subdivided in traditional or district courts, magistrate courts⁴, high courts⁵, court of appeal and the Supreme Court. He informed the delegation that under the Constitution, it is the mandate of the Judicial Services Commission to appoint judges and noted the shortage of the latter as an undermining element of the efficiency of the judiciary. For instance, the Supreme Court has not sat for years at the time of the mission and this is due to the lack of judges. Regarding this, he highlighted the fact that the then composition of the bench of the Supreme Court was entirely non Gambian and plans of the new administration are to appoint Gambian judges at the Supreme Court.
48. Further, the delegation was informed that the technical capacity in certain aspects of the work of the judiciary is missing at the level of some of the

³ To corroborate the lack of security of tenure existing during the former administration, Justice Mbai present at the meeting testified about how his services as a judge were terminated without any reasons being presented to him up to now.

⁴ According to the Chief Justice, magistrate courts and traditional or district courts are spread out in the country.

⁵ The Chief Justice indicated that high courts exist in all the regions of the country except in one of these.

professionals in the field and this results in poor prosecution of cases which are nonetheless rushed to court.

49. Another challenge of the judiciary mentioned by the Chief Justice is the lack of basic modern working tools like computers; for instance, judges notes and judgments are still handwritten.
50. The delegation questioned the issue of foreign judges in the judiciary. The Chief Justice responded that the conditions of service for local judges are not encouraging professionals from the country to join the bench. He illustrated this situation by the pending appointments at the high court where only half of the fourteen judges needed have already been appointed despite the fact that efforts were made to reach out to the Gambian Bar Association in order to invite Gambians nationals to apply for these positions. However, further two judges were appointed upon recommendation and they are all Gambians so there is hope that the remaining five judicial vacancies will be filled by Gambians. .
51. The delegation enquired about gender mainstreaming in the judiciary and the Chief Justice indicated that efforts are being made to ensure that this is taken into account. To illustrate this, he referred to the recent appointment of 2 female judges at the level of the high court, one at the court of appeal and another one expected at the Supreme Court.
52. Thus, to address the shortage of Gambian judges, the Judicial Services Commission was approached in order to improve the conditions of service of judges; and the Government incentivises Gambians to read law and after graduation, they are hired by the judiciary on the basis of a bond of three years to discourage them from going into private practice which is financially more attractive than serving as a judge.
53. As for the lack of appropriate skills in certain domains of the judiciary, the Chief Justice mentioned the ongoing training and retraining of legal professionals including on human rights standards. This work is done with the

support of the European Union which invests a lot in awareness programme relative to human rights standards.

54. Regarding, the inadequate equipment in the judiciary, the Chief Justice stated that partners like the United States Agency for International Development and the EU have been approached by Gambian authorities in order for them to assist in providing the judiciary with the necessary modern equipment.
55. The Chief Justice told the delegation that his institution is aware of the existence of 190 inmates awaiting trial and the issue will be given utmost priority.
56. He also disclosed plans to extend the existing legal aid scheme beyond the remit of capital offences to cover other cases if the necessary capacity to do this is made available.

4. Ministry of Foreign Affairs

57. The delegation met with Mr Lamin Fatty, Permanent Secretary of the Ministry.
58. The delegation extended the gratitude of the Commission to the Ministry of Foreign Affairs for securing the necessary authorisation for this promotion mission.
59. Mr Fatty indicated that unlike the prevailing situation of deficit for respect of human rights and collaboration with most of the international partners under the former regime, the current administration aims at maintaining a close collaboration with the said partners and abiding fully with its international human rights obligations. In fact, the idea is to regain the status of champion of human rights which the leaders of the first republic of The Gambia have earned to the country.
60. Mr Fatty further mentioned some of the actions and commitment of the new administration to the respect of human rights. He indicated for instance that consultations are ongoing on the way forward regarding how to address the country's failures to deliver on its human rights obligations under the former administration; namely the non-reporting to treaty bodies, and providing

redress for the abuses which occurred over the 22 years of the former regime. Consultations are also taking place on the issue of constitutional reforms.

61. Other subjects of discussion at the meeting were the issue of the Gambian diaspora and the fact that Gambians are ranking top in the numbers of African migrants stranded in Libya.
62. On the question of the Gambian diaspora, Mr Fatty declared that the current full name of the Ministry of Foreign Affairs (Ministry of Foreign Affairs, International Cooperation and Gambians Abroad) is an illustration that the diaspora is now being included in the plans of the Government. Thus, their claim of ensuring that the diaspora participate in key elections is likely to succeed as it is being considered.
63. Concerning the fate of Gambians illegal migrants stranded in Libya, the delegation was informed by Mr Fatty that repatriation is ongoing under the supervision of the Ministry of Foreign Affairs. He indicated that the number of these migrants is around 6000 according to the records of the Ministry which received this figure from the Gambians Association in Libya in its capacity as Consulate and Data Collector on Gambians migrants in this country.
64. The delegation upon raising the need for clarity on official channels of communication between the Commission and The Gambia was informed that reforms are being carried out within the Ministry itself and there would be a focal unit or person for the Commission.

5. Inspector General of Police

65. The meeting with the Inspector General of The Gambia Police Force, Mr Yankuba Sonko, was attended by the Deputy Inspector General, and the Commissioner of Administration.
66. Discussions focused on, the configuration of the Police, how the Police integrates human rights in its work and clarifications of the role of the Police

under the former administration as well as the prospect for improved mainstreaming of human rights in the operations of the Police.

67. Regarding the configuration of the Police, the delegation learnt that it is made of 6000 personnel; of which 63 percent are men and 37 percent are women. Also, it comprises 14 commissioners of which only 2 are female. On these statistics, the Mr Sonko commented that the country is below the standard ratio of police to civilian and that there is need to recruit more police officers while paying special attention to the need to recruit highly qualified officers. He added that recruitment is ongoing including in regions and that the number of women would-be police officers is currently higher to the one of men due to the “back way”⁶ phenomenon in his view.
68. Further on the Inspector General said that limitations to the gender equality in the Police include the fact that women cannot be put on night duty and the issue of maternity.
69. The Inspector General indicated equally that professional promotion exams are organised for all officers and female officers benefit from affirmative action and are promoted irrespective of their performance in the exams.
70. The Inspector General concluded on the proactive approach of Gambian Police towards women officers, by informing the delegation that there are plans to build an entire unit of female officers for peacekeeping missions and that the quota of female officers in peacekeeping missions is higher than the one of male officers.
71. As regards mainstreaming human rights in the work of the Police, the Inspector General informed the delegation that training of Police includes human rights modules provided by police officers who are lawyers and other partners. In addition to this, a human rights unit exists within the Police since 2010 and is functioning. According to him the establishment of this unit was motivated by

⁶ This expression refers to the illegal immigration prominent in The Gambia were young people utilise dangerous routes including crossing the desert and the Mediterranean Sea with hazardous means like makeshift boats, etc.

the increasing number of complaints from the public in relation to the work of security forces. However, it appears that only 2 per cent of these complaints were against the Police while the remaining percentage of complaints was against the former National Intelligence Agency (NIA) now to be renamed State Security Services (SIS) and other security forces.

72. The Inspector General acknowledged that under the former administration, security forces committed human rights violations in the course of their work and this was permitted by the type of governance under the said administration. He added that in the circumstances, the Police was trying to just do its work and faced several challenges including the imposition of executive orders which the Police could not resist firmly despite that the execution of such orders constituted human right violations or triggered the latter.
73. At this point, The Inspector General expressed regrets on how things unfolded in relation to the case of Mr Solo Sadeng the youth leader of an opposition party who died in the custody of security forces following his arrest and torture for staging a peaceful demonstration without securing the required police permit. He clarified that it is the Police which arrested the demonstrators including Mr Sadeng and handed them to the NIA in whose hands Mr Sadeng died unfortunately.
74. The Inspector General of the Police stated that there has been a positive shift of practice under the new administration and that the Government does not interfere with matters being handled by the Police.
75. The Inspector General reaffirmed the cordial relationship between the Police and the public as illustrated by the participation of the Police in transporting Gambians refugees who fled the country during the political impasse.
76. In response to questions raised by the Delegation, the Inspector General equally spoke about ongoing investigation and prosecution of human rights violations under the former administration. He mentioned that exhumations of corps of Mr Sadeng and two other persons have been made and more would follow as

places of their clandestine and illegal burial have been identified. According to him, the Police would do its work but the Government would decide what to do with the findings of the Police in relation to these cases.

77. On the specific case of disappeared journalist Chief Ebrima Manneh, Mr Sonko stated that it is now clear that he has been killed and suspects have been arrested and are under military custody because they are military personnel and specific military laws applying to them allow this type of detention. It is the duty of the Police to prove the case otherwise they would be freed in accordance with the obligation to respect their human rights. This applies also to the case of the former NIA director in relation to the death of Mr Solo Sadeng who has been arrested by the Police after it appeared impossible for the Police to only monitor him and that arresting him was the only way in the circumstances to ensure that he does not escape from the country.

78. On the way forward, the Inspector General, expressed the willingness of the Police to collaborate with the Commission in relation to training of police personnel on human rights standards.

6. Ministry of Basic & Secondary Education

79. Discussion at the Ministry of Basis Education and Secondary Education focused on achievements and challenges regarding the implementation of the right to education which the Minister Ms Claudia Cole said falls under her Ministry's primary responsibility. The Minister was assisted at this meeting with the delegation by the Permanent Secretary of the Ministry Mr Modou.

80. The delegation was informed of the various legal instruments guiding the implementation of the rights to education in the country. These include the Constitution of The Gambia which states that basic education is free and compulsory; the Education Act, the Education Regulation, number of policies of which the key ones are the Policy on the fight against Sexual Harassment, the

Policy on Buildings, the Policy on Corporal Punishment, and the Policy on Access which aims at bringing the school closer to the child

81. The Minister indicated that at the primary level, the gross enrolment rate is 100 per cent and the net enrolment rate is 85 per cent. She said the figures and statistics regarding performances of the country regarding the implementation of the right to education are available on the website of the Ministry.
82. The delegation learnt that gender mainstreaming in the implementation of the right to education has been intensive to the point that currently the number of girls in schools is more than the one of boys in schools.
83. She added that this is the result of various efforts including the proper management of teenage pregnancy which is conducted by the gender unit within the Ministry. This unit implement a policy which includes providing a package to teenagers who fall pregnant while at school to enable them to continue with their education and this includes changing school if necessary.
84. Further on this, the Minister stated that there have been cases of prosecution of individuals for impregnating girls at school and for child marriage as per the provision of the constitution which forbid marriage of girls below the age of 18.
85. The delegation was also informed that 21 per cent of the Government Budget is dedicated to basic, secondary and tertiary education. This explains the performances and the various means that the Ministry uses to implement the right to education in the country.
86. The Minister elaborated on other incentives to keep children at school; namely the fact that additional schooling costs are borne by the State, provision of text books, payment of school fees and supplementary fees, feeding programme at primary school, etc.
87. The delegation was made also to note that the education system in The Gambia caters for children with disabilities through efforts to guarantee accessibility, the existence of a school for the blind, a special school for children with learning difficulties and deaf children. The Ministry has further instituted a system of

itinerant teachers in the regions who monitor children with special needs so that appropriate action is taken by the Ministry upon their findings.

88. The Minister indicated that private actors intervening in the schooling system of the country are equally monitored by the Ministry which has to issue a licence to private schools before they start operation and concerning the other religious informal schools (*madrassa or dara*), the Ministry is working to synchronise or align their teaching with the one of the conventional school system.
89. Other positive moves of the Ministry are the provision of adult literacy through various programmes and education to the Juvenile wing of the prison.
90. The remaining challenge for the right to education is the issue of illegal migration constituting the major cause of dropout cases.
91. The Ministry finally indicated that though a comprehensive curriculum called human rights education does not exist currently in the education system, some courses attempt to address the question but work would follow on this matter to ensure the teaching of human rights is properly integrated into the country's education system.

7. National Assembly

92. The delegation met the National Assembly which was represented by Honourable Mariam Denton (Speaker), Honourable Kebba K. Barrow (Majority Leader), Honourable Samba Jallow (Minority Leader), and the clerks of the institution.
93. On the onset of the discussions, the Speaker of the National Assembly stressed the historical commitment of The Gambia to human rights informed by her experience of having participated in the drafting process of the Charter.
94. The Speaker informed the delegation of existence of committees within the National Assembly, including one which deals with human rights issues and mentioned the instrumental role which this committee would play in ensuring

that the National Assembly keeps with the expressed commitment of the country to human rights.

95. She stated that due to the fact that everyone in the country has suffered from human rights violations perpetrated under the former regime, it is the responsibility of the parliament to prevent this to happen again. She cited her own case of illegal arrest and detention under the former administration as an example of violation which should not be repeated.
96. The Speaker stated further that once a quota system is adopted by the country, issues of low representation of women in parliament and in other decision-making processes would be solved.
97. The Speaker indicated that the National Assembly would await initiatives from the Government and act on these; hence she opined that there are limits to the actions of the National Assembly which could be seen as challenges to its activism in relation to human rights.
98. The Majority Leader and the Minority Leader drew the attention of the delegation on the fact that only 3 out of 58 Members of the Parliament have had experience in sitting as Parliamentarians and that the remaining others would need intensive training to be able to deliver.

8. Ministry of Lands & Regional Government

99. During the discussions with Mr Lamin N. Dibba, the Minister of Lands and Regional Government, reiterated the commitment of the new administration to the promotion and protection of human rights in the country and noted that hosting the headquarters of the Commission did not deter the former administration from disregarding human rights.
100. The Minister explained to the delegation that there is no specific law on land in The Gambia and that land is primarily owned by the State while also, at the grassroots level, land is the property of families. He noted that this configuration of land ownership in the country is conflictual.

101. The Honourable Minister stated that land in The Gambia is used for three ventures which are settlement, agriculture and industrial activities.
102. According to the Minister, the absence of discrimination between men and women in accessing land in the country is an accepted tradition. However, there is a tradition of distribution of uplands and sub lands between men and women. Women traditionally have access to sub land and men to uplands in rural areas while women have access to uplands in urban areas for gardening.
103. The Minister noted that this distribution of land though comprising an unfair element has been maintained to avoid social troubles and would be addressed in the overall reform to happen in the country.
104. Further, the Minister indicated that foreigners can own land in settlement areas and there is a total absence of segregation in accessing land in the said areas.
105. The Minister mentioned that in case of eviction, compensation is paid in accordance to the law.
106. Finally, the Minister informed the delegation about the development of a policy statement in relation to sand mining which would prevent violations in this sector e.g. in Saladji the revenues from sand mining was not accounted for.

9. Ministry of Interior

107. At the Ministry of Interior, in the absence of the Minister who excused himself due to reasons beyond his control, the delegation met with a team of senior officials composed of Mr Bulli Dibba, the Permanent Secretary, Mr Musa Camara and Mr Lamin Sonko, both from the Human Rights Unit, and Mr Geoffroy Bala-Gaye, Senior Assistant Secretary.
108. The team of senior officials of the Ministry of Interior unveiled plans regarding the envisioned reforms and other initiatives aimed at addressing the past human rights violations as well as avoiding their repetition.

109. They further explained that there is need to reform the security sector because the security apparatus was instrumental in the perpetration of the past human rights violations. Also, the said reform should be comprehensive and would not only concern training but would comprise advice from partners and technical assistance from relevant stakeholders.
110. The delegation was informed that there is currently mistrust between the security forces among who lot have been taking directions only from the former administration. This needs to be addressed by building confidence and the ongoing replacement of many of the heads of the units within of the security forces.
111. The reform concerns the prisons system which has been far below the minimum standards with detention facilities in a very bad condition. He also made reference to “clandestine” small detention centres existing in the country which were only discovered recently. The Minister visited prisons and deplored the very poor conditions with main features of these being overcrowding and facilities in a state of advanced deterioration.
112. The delegation was told that after visiting the prison, the Minister recommended measures to address the poor detention conditions of inmates and inadequacy of the facilities, including pardon of prisoners by the President, the hiring of a contractor to renovate the prison facilities, the need to build a new prison to conform with the international applicable standards, etc. Basically, the priorities regarding prisons have been identified by the Ministry and these are decongestion of the detention facilities and the reform of the Prison Act.
113. The officials from the Ministry of Interior mentioned the situation of inmates in the remand wing which was found to be worse than the one of those convicted. They acknowledged the necessity to urgently address the issue urgently.

114. The delegation was briefed on the specific role of the NIA in the occurrence of some of the prominent cases of human rights violations which took place under the former regime. The delegation was informed that this agency went beyond its mandate provided under the Act of the Parliament establishing it; it is supposed to provide intelligence to the Police and not to arrest and detain people as they have done.

115. Further on measures to address human rights violations from the past and prevent the repetition of such violations, the delegation was told that most of the arrests which happened during that time were not made by the regular police and were conducted by a military special unit said to be under the direct authority of the former President and called the "*Junglars*". According to the officials from the Ministry, some members of the said unit have been arrested and are helping the Police in the investigations relative to the alleged crimes.

10. Ministry of Youth & Sports

116. With the Minister of Youth and Sports, Mr Henry Gomez, the delegation discussed issues of illegal migration of youth, participation of youth in politics and expectations from the youth as well as the challenges regarding maintaining cohesion in the political coalition forming the current administration.

117. For the Minister, illegal migration is the result of lack of opportunities for youth and the restrictive environment which has been prevailing under the former administration. Therefore, to address this, a comprehensive approach should be followed and reach out the youth at the level of their grassroots communities and environments where the project of going "back-way" is nurtured. Also, the return of illegal migrants should not happen on a systematic basis and European countries would have to engage in serious negotiations with migrants countries of origin to find a mutually acceptable solution.

118. As regards the participation of the youth in politics, the Minister informed the delegation that there should be more inclusion for youths in the decision

making processes of the country because the youth have been instrumental in the change which happened. Thus his personal commitment to this issue and in his capacity as minister responsible of youth, his political party presented four youth candidates to the last parliamentary elections. He further mentioned his struggle to ensure that any project in the country should include at least 20 per cent of youth.

119. The Minister indicated that the country must put in place the necessary socio-cultural infrastructure like sport centres and youth centres to enable the youth to get involved in healthy activities.

120. The Minister finally challenged the fact that his Ministry was allocated the smallest budget of all the Ministries despite the critical portfolio it deals with.

11. Ministry of Health & Social Welfare

121. At the Ministry of Health and Social Welfare, representatives informed the delegation of the existence of a Health Policy and a National Strategic Plan which aim at providing to all people living in The Gambia affordable and quality health care. These frameworks of the health system in The Gambia have at their core the issue of access.

122. The delegation upon request was briefed on aspects of the health system in The Gambia in relation to persons with disabilities, older persons, women and children, and the HIV pandemic.

123. For persons with disabilities, representatives of the Ministry indicated that the Department of Social Welfare within the Ministry handle matters pertaining to them and bear part of costs of their health related expenses. Also, there is a disability bill in the pipeline which would have a holistic approach to the issues faced by persons with disabilities in the country, including the fact that facilities are not disability friendly in the current state of affairs. Further, this bill is being

prepared with the full participation of association of persons with disabilities and the contribution of UNICEF.

124. As regards older persons, the only facility dedicated to them in the country is the Home for the Elderly which is not utilised as expected due to the fact that traditions support older persons to live in their families.

125. Concerning women and children, a number of programmes exist to ensure that they are given special attention as far as their health and social welfare is concerned. These programmes include family planning programmes and the free health care services for mother and children up to five years. However, the delegation was informed that though free of charge, contraception is not often used in The Gambia due to traditional beliefs and religion. The delegation was given a figure of 34/1000 as the infant mortality rate of the country.

126. Addressing the issue of HIV pandemic, the representatives of the Ministry indicated that the first HIV case was diagnosed in 1991 prompting the State to establish a special unit on the pandemic. This unit once called the National AIDS Control Unit is now called the National AIDS Secretariat and conduct the State response to the pandemic. The said response includes treatment through ARVs which are provided even in prisons and a fight against stigma supported by a World Bank project. The result of this national response to HIV is that stigma has decreased and also the prevalence rate of the pandemic has also decreased. Representatives of the Ministry identified challenges in the national response to HIV which are the lack of funding and the fact that the HIV treatment programme once run by the former President deterred patient to join the formal national treatment under the Ministry.

127. The delegation and representatives of the Ministry finally discussed the social security schemes available in the country. They noted that the major trend regarding this is that the State contributes to social security schemes for its workers and parastatals do the same.

12. Minister of Information & Communications

128. The delegation and the Minister of Information, Mr Demba Jawo, assisted by the Permanent Secretary to the Ministry, Mr Lamin Camara, discussed the need to reform legal frameworks regulating the media, freedom of expression and access to information in the country.
129. Discussions also centred on the need to manage the high expectation of the population in the new administration and how to address past serious human rights violations in the country.
130. Regarding the legal frameworks mentioned above, the delegation was informed of the establishment of a law review and reform Committee aimed at reviewing the Media Commission Act and other laws unfriendly to the media which have been used to repress or suppress freedoms in the country. Further on this aspect, an Access to Information Act is being considered and the Minister promised to involve the Commission in the process and to make use of the Commission's model law on access to information.
131. The Minister informed the delegation of the need for a communication strategy to manage the high expectation from the public to address the impression that the Government is not doing much or is moving too slowly in addressing serious human rights violations that took place under the former administration.
132. The Minister indicated further that pending the availability of the communication strategy which is being prepared, State bodies have been frequently organising press conferences to inform the public of their various undertakings. In the same vein, social media which was critical in the occurrence of the change of administration through elections has access to information on all deeds of the State.
133. The delegation learnt about some of the plans and ideas to guide the actions of the new administration from the perspective of the Minister of

Information. For instance, he expressed views that in establishing the truth and reconciliation commission, there would not be blanket amnesty; that a self-regulatory body for the media should be created and should not be a tribunal as envisioned in the decried Media Act. He added that liberalisation of the media is under consideration with a draft bill being prepared. He equally mentioned that it is the intention of the new administration to transform the national public broadcast media into a truly public service funded by public money from taxpayers.

13. Independent Electoral Commission

134. The discussions with Mr Alieu Momarr Njai, the Chairman of the Independent Electoral Commission, touched on the need to reform the electoral system, the low participation of women in running for elections as well as other features of the electoral system in the country.

135. Regarding the overall reform process on the occasion of the occurrence of a new administration, Mr Njai stated that work will be done in collaboration with the Government to review the Elections Act in order to have an electoral process which is really free, fair and transparent.

136. In relation to women's participation in elections, Mr Njai noted that a quota system as well as an aggressive civil education programme would assist in addressing the trend of women reluctant to engage in certain field of public life including in political leadership. He added that this aggressive civil education could be made through the formal education system. Further, he opined that having men being the ones making nominations in political parties is a strong barrier to getting more women contesting during elections in the country.

137. The Chairman of the IEC also made some clarifications regarding the electoral system in the country where the voting age is 18 and the minimum age

required to run for elections is 21. He disclosed the plans of the IEC to extend the electoral process to the diaspora and bolster its voter's education programmes which it has been conducting.

138. The Chairman of the IEC finally stated that despite financial challenges⁷, the institution has now regained its full independence under the new administration which enables it to freely conduct its mission.

14. Public Utilities Regulatory Authority

139. The delegation met with officials from the Public Utilities Regulatory Authority (PURA) and discussed the purpose of the mission as well as its contribution to human rights in the country.

140. The delegation learnt that the mandate of PURA which is to regulate ICT, electricity and water sectors in the country. Sectors like petroleum, transport could be included if needed in the future.

141. The delegation was informed that the aim of the regulatory mandate of PURA is to enhance competition in these sectors if there is competition and to ensure fairness for customers and quality services in cases of absence of competition in a specific sector.

142. The legal framework for PURA's work is made of the PURA ACT of 2001 and the ICT Act of 2009.

143. PURA has indicated that the censures and other undue interferences in access to ICTs have never been a result of its actions and the former administration is entirely responsible for these actions. Besides, PURA does not regulate social media.

⁷ It was said that some of the facilities which the IEC has been utilising are the property of private individuals who could not claim any revenue from the utilisation of their properties under the former regime for fear of reprisal. Thus, owners of these facilities have now started to claim outstanding dues from the IEC and some have even evicted the institution from their properties because of failure to pay the required rental dues.

144. PURA expressed views that the ICT Act needs reforms to strengthen the independence of PURA.
145. PURA told the delegation that its consumers parliaments aims at gathering views directly from the public on the quality of the services so that recommendations are made to service providers. This process includes persons with disabilities who are given special platforms to express their concerns regarding the nature of services they are provided with as far as public utilities are concerned.
146. PURA concluded by noting the absence of strong consumer advocacy groups in the country and the need of investment in the public utilities sectors due to the fact that bad governance has been the norm throughout the past years.

15. Visits

147. The delegation visited the prisons in The Gambia. These are Mile 2 Central Prison, Jeshwang Prisons and Janjanbureh Prisons.
148. The delegation visited also the Home for the Elderly and Shelter for Children as well as the Tanka Tanka Psychiatric Hospital which are facilities catering for vulnerable groups like older persons, children and persons with mental disabilities.

i. Prisons

149. Prior to touring the facilities, the delegation held discussions on the conditions of the prisons with administrators⁸ of these prisons and were briefed on the challenges facing the prisons system in the country.
150. The administrators acknowledged that the prisons' infrastructures are not up to the applicable standards and that the conditions in prisons or the

⁸ Mr Ansoumana Manneh, director of Mile 2 Central Prisons and Mr Boubacar Diata, Commissioner administering the Jeshwang Prisons and officers in charges at the Janjanbureh Prisons.

treatment of prisoners under the former regime did not conform to the said standards. It was specifically noted that there is a problem of overcrowding of cells, at Mile 2 Central Prisons and cases of nonseparation of convicts from detainees on remand.

151. The administrators of the prisons indicated that the feeding of detainees is provided by private suppliers contracted by the State and that the National Agency for Nutrition which is a governmental institution advises on the selection of these suppliers as well as on the menus.

152. The new administration is working to align the prisons system to the international applicable norms. This includes the transmittal to the Attorney General Office of a list of detainees with prolonged⁹ remand period spent without appearing once before a court, so that appropriate action is taken; the ongoing investigation of alleged cases of torture of prisoners by prisons officers.

153. The administrators denounced the “deplorable” conditions of services of staff of the prisons system and namely the conditions of prisons officers.

154. The delegation was also informed that prisons officers receive human rights courses during their training and it would be a good move to dedicate a special course on human rights for prisons officers within the various human rights training offered to security officers in the country by partners.

➤ **Mile 2 Central Prisons**

155. Mile 2 Central Prisons is the main detention facility of the country located in the outskirts of Banjul the capital city of The Gambia and admits all prisoners in the country. It is made of four compartments which are the women wing, the confinement wing, the main yard wing and the remand wing. It comprises also a clinic working with an in-house doctor, a visiting doctor, eight medical assistants and one standby ambulance; a library, a visiting room; and a

⁹ The delegation learnt that some of the detainees on remand have allegedly spent more than seven years in this situation.

traditional bakery operated by prisoners who produce 500 loaves of bread per day mainly for the consumption of detainees.

156. The delegation during its tour of the facilities, noted the poor sanitary conditions of prisoners who complained of their conditions while acknowledging that these have improved compared to what was happening under the former regime.

157. The delegation noted also the high level of overcrowding of the remand wing of the prison where it was basically impossible to move within the facility due to the level of congestion there.

158. The delegation was particularly struck by the case of Mr Samuel Joel Manyombe a national from Cameroon who was convicted to death for murder and has his appeal case pending now before the Gambian courts for 9 years at the time of the mission.

159. The administrators at Mile 2 Central Prisons provided to the delegation the below disaggregated statistics relative to prisoners on 21st April 2017, a day before the visit of the delegation to the prison on Saturday 22nd April 2017):

- Overall normal capacity: 500
- Overall number of detainees: 385
- Overall number of Convicts: 189
- Overall number of detainees on remand: 189
- Number of female convicts: 04
- Number of male convicts: 185
- Number of female on remand: 11
- Number of male on remand: 178

➤ **Jeshwang Prisons**

160. Jeshwang Prisons is located in Old Jeshwang town which is less than 15 kilometres from Banjul the capital city of The Gambia. It is basically a military camp operating as well as detention facility comprising three blocks.

161. The delegation noted the rudimentary nature of the parlours at the Jeshwang Prisons as these do not offer a minimum of comfort as well as the required privacy for visits.

162. The delegation was told that first offenders are sent there after being admitted by Mile 2 Central Prisons.

163. The Jeshwang Prisons hosts the sole juvenile detention facility of the country where at the time of the mission, eight juvenile inmates were detained, including three convicts and five on remand.

164. The prisons officials indicated that the Social Welfare Department has provided a space for the detention of female juvenile inmates if any.

165. The delegation interacted with some of the juvenile inmates who did not complain about their conditions and indicated that they are given classes during their detention period.

166. The administrators of the prisons showed to the delegation unfinished constructions at the Jeshwang Prisons and explained that these were projects halted for lack of funds. They further stated that if completed, these facilities could decongest the remand wing of Mile 2 Central Prisons.

167. Statistics relative to prisoners(all male) at Jeshwang Prisons is as below:

- Overall number of detainees: 64
- Overall number of Convicts: 32
- Overall number of detainees on remand: 32

➤ **Janjanbureh Prison**

168. The Janjanbureh Prison is located on the Island of Janjanbureh which hosts the town¹⁰ of the same name that is the capital of the Central River Region in the East of The Gambia. The distance from Banjul to Janjanbureh is more than 233 kilometres.

¹⁰ The town is formerly known as Georgetown

169. The Janjanbureh Prison is said to receive inmates who are recidivists and those who are tried in courts in the region or close to the region compared to Banjul.

170. The detainees count on the day of the visit (23 April 2017) is as follows:

- Overall number of detainees: 34
- Overall number of Convicts: 12
- Overall number of detainees on remand: 22
- Number of female convicts: 01
- Number of male convicts: 11
- Number of female on remand: 2
- Number of male on remand: 20

171. During the visit and interaction with the administrators and detainees at Janjanbureh Prisons, the delegation noted the following:

- Facilities are in very poor conditions;
- Sanitary conditions of prisoners are very inappropriate and a strict separation is not made between convicts and inmates on remand;
- Inmates complained about the long pre-trial detention period and some stated that they have never met a judge since their admission three years ago;
- Some detainees, namely from other nationalities than Gambian have complained about their families or embassies not aware of their detention because they were not allowed to inform them;
- Some prisoners at the Janjanbureh Prison are very far from their residence and this does not enable their families to afford the travel related costs to visit them;
- There are no designated rooms or areas for families to meet with the prisoners during visits;
- Working conditions of prison officers are very poor and their living conditions in the facilities are inhuman.

ii. The Home for the Elderly & Shelter for Children

172. The delegation visited the Home for the Elderly and Shelter for Children which is a State funded institution. It was established as a temporary¹¹ shelter for certain vulnerable children and to host older persons who need such type of shelter and care.

173. At the time of the visit, the manager of the institution, Mr Omar Bojang informed the delegation that 19 children and 3 older persons were being sheltered. He added that the facility could accommodate up to 85 children and 13 elderly persons. It also comprises a clinic which has a stand-by ambulance.

iii. Tanka Tanka Psychiatric Hospital

174. Ms Safiatou Kinteh a psychiatric nurse received the delegation at the Tanka Tanka Psychiatric Hospital and after guiding members of the delegation through a visit of the facilities of the institution, a discussion on the operations and challenges of the latter took place.

175. She informed the delegation that the institution is a unit under the main public hospital of the country called Edward Francis Hospital and was built by a foundation from Holland (the Tanka Tanka foundation). It comprises an occupational centre, a garden, five TVs and two blocks serving as bedrooms where female patients are separated from male ones in rooms of 10 person's capacity. She added that the capacity of the institution which receives only patients beyond 18 years old is 100 but very often there are more patients. Also, patients are not admitted on a permanent basis and the minimum duration of admission is 3 weeks while the maximum is 3 months after which a team from the hospital would be in charge of monitoring discharged patients at home with

¹¹ Children are later on taken to SOS if they need permanent shelter up turning the age limit of this institution.

their families. She further indicated that the hospital has an overall number of 84 permanent staff, including the 4 trained nurses, 9 security officers; it does not have an in-house psychiatric doctor and relies only on Cuban doctors who offer their services intermittently.

176. Ms Kinteh told the delegation that admission of patients is done through a referral from the main hospital's psychiatric doctor where patients are screened prior to them being sent to the psychiatric hospital. On the issue of admission, she disclosed that due to the stigma attached to mental health in the country, patients rarely come forward for consultation and are often coerced to do so by the Police. She indicated that the main causes of mental illness in the country are drugs and alcohol.

177. The delegation learnt that physical restraint of patients is not allowed because it is seen by the management and professionals of the hospital as a violation of the human rights of patients and therefore, it is chemical restraints which is used when needed.

178. Discussing the challenges of the hospital, Ms Kinteh stated that proper attention is not given to mental health by the authorities and this makes the working conditions very hard for staff at the facility where often they are confronted with violent reaction from the patients which could result in serious injury to staff.

179. To illustrate this situation, she cited the fact that patients destroyed 4 of the 5 TVs during a brawl and the relatively high number of patients who have died due to medical conditions since 2015¹².

¹² Twenty-one patients.

16. UN Agencies

➤ United Nations Development Programme (UNDP)

180. The meeting with the UNDP was attended by the Country Representative, Mrs Ade Mamonyane Lekoetje and other officials¹³ of the organisation.
181. The Resident Representative noted that the current mission of the Commission has been possible because a change of regime through elections happened and that the new administration is showing commitment to human rights unlike under the former regime.
182. She stated that the collaboration of the Commission with the UNDP is encouraged in relation to various undertakings aimed at ensuring that The Gambia promote and protect human rights in accordance with its international obligations.
183. She enumerated areas in which UNDP offers support to the country as it strives to restore its human rights records. These are capacity building for the new Members of Parliament, the work to increase the representation of women in decision making processes¹⁴, the establishment of the truth and reconciliation commission, collaboration with civil society organisations, the establishment of a national human rights institution,¹⁵etc.
184. The Resident Representative further informed the delegation of the UNDP's active involvement in the stakeholders meeting to take place soon.
185. The UNDP explained to the delegation that it is currently still at the stage of planning or programming as far as most of its activities for the country are concerned and would definitely include a human rights perspective in its

¹³ The deputy country representative, a Human Rights Officer and a staff from the Gender Unit.

¹⁴ The UNDP informed the delegation that it worked on the issue in the context of the parliamentary elections and would continue on the same vein during the local governments' elections.

¹⁵ Regarding the national human rights institution to be created, the UNDP indicated that a draft bill is ready and has been reviewed by partners to ensure that it is conform to the Paris Principles. It is therefore left to the Government to table the bill before the Parliament for adoption.

various actions taking into account the new conducive environment and challenges.

186. Finally, the delegation and the UNDP discussed some specific challenges in the present context of the country, including the need to strategically conduct the transitional justice process to avoid a breach of social peace within communities, and the need to pay more attention to violations against women as these are often not reported.

➤ **United Nations International Children's' Emergency Fund (UNICEF)**

187. At the meeting with the UNICEF's Resident Representative, Ms Sara Beysolow Nyanti, the delegation was commended for visiting the Shelter for Children and for engaging with children issues during its mission.

188. Ms Nyanti cited key positive aspects of the situation of children in the country and pointed out the challenges. For Ms Nyanti, the gains are the high level of enrolment in school, the regression of the issue of children in streets, and the legal ban on child marriage and FGM. As for the challenges, she mentioned the phenomenon of illegal migration affecting mainly children out of school, child marriage and FGM which are on the increase under the new administration,¹⁶the absence of proper juvenile courts and an adequate system of handling children matters in the judiciary and the need to address the situation of children with special needs.

189. On the way forward, the UNICEF's Resident Representative stated that stakeholders should include children's role and needs in the transitional justice process. She also noted that the Government should improve on its current communication strategy as it is weak in the actual situation and does not allow the proper flow of information to the public and toward partners.

¹⁶ Ms Nyanti explained that there is a prevalent belief that the legal ban of FGM and child marriage was made by the former regime and as the latter is gone, so are laws and proclamations made during its terms because the general perception is that the said regime was bad and nothing inherited from it should apply under the new administration.

17. Meeting with Civil Society Organisations

➤ African Center for Democracy and Human Rights Studies (ACDHRS)

190. The delegation met with Mrs Hannah Forster the executive director of the African Center for Democracy and Human Rights Studies and noted her optimism in relation to the future of human rights in the country as clear signs of the commitment of the new administration.

191. She indicated that there is an unprecedented collaboration between the Government and CSOs and it is the right time for prisons to be visited by independent observers including NGOs because information on these detention facilities is that conditions are extremely bad.

192. She also expressed concern that there are only six women in the Parliament made of 58 members.

193. Mrs Forster insisted on the need to provide redress for all victims of human rights abuses and specifically to victims of acts of torture which was prevalent.

194. On the transitional justice issue, Mrs Forster expressed the need to establish a truth and reconciliation commission which should be inclusive, have clear timelines and address three aspects, namely, truth, reconciliation and justice.

195. Mrs Forster concluded by stating that there is a necessity to have in-depth human rights education in the country and that CSOs should be included or associated to all actions of the Government.

➤ The Association of Non-Governmental Organisations (TANGO)

196. The delegation held discussions with Mrs Tabu Njie Sarr, the Programme Officer in charge of Training at TANGO.

197. She recalled the extremely hostile environment under which NGOs have operated during the past 22 years and stated that her organisation contributed to the change of administration.
198. She explained to the delegation that the strategy of TANGO during these difficult moments was to reach out and empower grassroots communities on human rights issues. For her TANGO adopted this strategy due to the fact that it was risky to engage in a dialogue on human rights with policy makers during that time.
199. Mrs Sarr pointed out that the main challenge is the next steps of the new administration and stakeholders, given that there would be a pressure due to the need to revert the culture of human rights violations that has prevailed under the former regime.
200. She indicated that, having noted this, her organisation has developed a benchmark to monitor the actions of the coalition forming the current administration against its manifesto. However, signs are currently that the said coalition is disintegrating after accessing power.
201. Mrs Sarr explained further that her organisation did not stop at this apparent barrier and has moved to develop a set of indicators in relation to each and every reform mentioned or envisioned in the country in the context of the change of administration.
202. Mrs Sarr spoke also about other plans of her organisation in making the best of the new conducive environment for the promotion and protection of human rights in the country. She cited their intention to continue with the submission of shadow reports to treaty bodies including to the Commission once the country submits its periodic report; their project of conducting a national dialogue to prevent tribal conflict which is likely to erupt if nothing is done; and their participation in the stakeholders' meeting to take place soon.

➤ **Institute for Human Rights and Development in Africa (IHRDA) & Gambia Bar Association (GBA)**

203. The delegation held discussions with Mr Gaye Sowe in his capacity as Executive Director of IHRDA and representative of the Gambia Bar Association.

204. Mr Sowe raised concerns regarding the lack of awareness around the Commission among legal professionals in The Gambia and called for a meeting between the Commission, the GBA and IHRDA aimed at raising awareness on the mandate of the Commission.

205. Mr Sowe further pointed out the limited nature of cooperation and collaboration between stakeholders in The Gambia and the Commission. This is illustrated by the fact that the Gambian Government has been complying with its reporting obligations before the UN treaty bodies while it is not the case concerning the Commission. He also mentioned that only few Gambian NGOs have obtained Observer Status before the Commission and that the actual utilisation of the rights attached to this status is not satisfactory.

206. Finally, Mr Sowe expressed hope on seeing the relevant special mechanisms of the Commission undertaking missions to The Gambia in the near future.

➤ **Gambia Press Union(GPU)**

207. At the discussions with the Gambia Press Union, Mr Saikou Jammeh, its Secretary General, informed the delegation of how the organisation intends to play a role in the envisioned reforms to give effect to human rights and specifically to freedom of expression and access to information.

208. He stated that the GPU approached the Government and obtained the assurance that GPU will be involved in all activities to reform the media laws.

209. Mr Jammeh told the delegation that a process of having an Access to Information Law is being conducted with the full participation of the Gambia

Press Union which has already proposed to the Ministry of Information of The Gambia that the said Law be drawn from the Model Law on Access to Information developed by the Commission.

210. Mr Jammeh further stressed that stakeholders should move now from statements to actions and commence the review or reform process of laws inimical to freedom of expression and access to information.

211. Mr Jammeh finally mentioned the need for the Government to put in place a communication strategy to respond to the legitimate expectations from the public as the current implementation of the communication policy existing at the Ministry of Information has not addressed the concerns on governmental communication.

18. Press Conference

212. The delegation of the Commission held a press conference at the end of its mission to share with the public its initial findings of the promotion mission conducted in the country from the 19th to the 24th April 2017.

PART THREE

OBSERVATIONS AND ANALYSIS OF THE HUMAN RIGHTS SITUATION IN THE GAMBIA

213. The meetings and working sessions held with the stakeholders involved in the promotion and protection of human rights allowed the Commission to identify positive developments in the human rights situation of the country. However, the mission also noted areas of concern.

I. POSITIVE DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION OF THE GAMBIA

214. The Commission commends the people of The Gambia for the peaceful resolution of the post electoral crisis and the regional and international efforts particularly that of ECOWAS for the peaceful political transition.

215. The Commission commends also the Government of The Gambia for its efforts to uphold its obligations under the Charter and other regional and international human rights instruments which The Gambia is a party to.

216. The Commission notes and appreciates the unequivocal resolve of the Government and the people of The Gambia to promote and protect human and peoples' rights and to reverse the culture of impunity for human rights violations.

217. Further, the Commission notes the following positive developments:

- i. The commitment to revive, strengthen and maintain the necessary collaboration with regional and international human rights bodies particularly the Commission whose headquarters is hosted by The Gambia.

- ii. The commitment to submit all its overdue reports to treaty bodies including to the Commission;
- iii. The peaceful parliamentary elections in April;
- iv. The acknowledgment that comprehensive reforms are needed at various levels, including constitutional, legal, justice and security sectors as well as other key sectors and institutions;
- v. Plans towards the establishment of a national human rights institution for the protection and promotion of human rights;
- vi. Efforts to establish transitional justice mechanisms, including a Truth and Reconciliation body;
- vii. Efforts to promote reconciliation and to provide justice to victims of human rights violations which took place under the former regime;
- viii. Plans to bring detention centres in line with regional and international standards;
- ix. Efforts to rebuild an effective justice system through justice sector reforms including the appointment of judges for the highest courts in the country and gender mainstreaming within the judiciary;
- x. Commitment to review the media laws, guarantee freedom of expression and access to information, and the drafting of an Access to Information Act;
- xi. Efforts to sustain and support the social and rehabilitation facilities existing in the country for vulnerable persons, including vulnerable children, older persons, and persons with disabilities;
- xii. The awareness-raising efforts and existing programmes to eradicate the HIV-AIDS pandemic, in particular among the youth and in the prevention of mother-to-child transmission;
- xiii. Efforts to eradicate traditional harmful practices such as child marriage and female genital mutilation; and

- xiv. On-going efforts in the health and education sectors particularly in the area of basic and secondary school education.

II. AREAS OF CONCERN

218. In spite of the progress identified, the delegation of the Commission has come across certain challenges which inhibit the full realisation and enjoyment of human rights; namely:

- i. The need to promote social cohesion, political stability, inclusion, equality and non-discrimination at all levels in the Gambian society;
- ii. The need for access to information and consultation to facilitate the full participation of the general public in the proposed constitutional, legal and other institutional reforms;
- iii. The low representation of women in parliament and other decision making positions;
- iv. The need for victim-centred transitional justice mechanisms that will facilitate truth, justice, reparations, healing and reconciliation that will be inclusive, participatory and take into account the needs of women and children affected;
- v. Challenges in the administration of justice including inadequate number of judicial personnel, poor conditions of service and insecurity of tenure of judicial personnel;
- vi. The inordinately long pre-trial detention periods for about 190 detainees currently in the prisons some of whom have been on remand for seven years;
- vii. The allegations of miscarriage of justice in the trials of convicted prisoners and the delay in hearing their appeals, many of whom are sentenced to death;
- viii. The prisons conditions which are far below regional and international standards with overcrowding at Mile Two Central Prison, non-

separation of inmates on remand and those convicted, the poor quality of the prisons facilities as well as the poor conditions of service of prison officers;

- ix. The specific situation of foreign detainees who have been denied the right to contact their families or their official representatives of their country in The Gambia;
- x. The need to provide adequate health care including mental health care to detainees;
- xi. The need to address the conditions triggering illegal migration locally known as “back way” which is reportedly claiming the lives of young Gambians on the Mediterranean seas as well as keeping thousands facing various hazards in Libya and the Saharan desert;
- xii. The need to accelerate implementation of programmes for the enjoyment of socio-economic rights by the population particularly in the areas of health, education and employment;
- xiii. The need to provide more schools and support for children with special needs nationwide;
- xiv. The challenges faced by women and girls in accessing and enjoying equal rights with men; including in relation to accessing land rights, reproductive rights, protection from violence and discrimination due to patriarchy, customs and traditions;
- xv. The need for government at the highest level to reaffirm their commitment to the campaign against child marriage and female genital mutilation;
- xvi. The fact that facilities are not disability friendly in the current state of affairs; and
- xvii. Inadequate funding and support to social and rehabilitation institutions existing in the country in particular the Tanka Tanka

Psychiatric Hospital and the Shelter for Children and Home for the Elderly.

PART III: RECOMMENDATIONS

219. Following the mission and taking into account the challenges identified, the Commission makes the recommendations below:

- **To the Government:**

Urgent Legal reforms

- i. Fulfil its commitments regarding the promotion and protection of human rights by immediately taking all practical steps to reform the overall system which has been instrumental in the perpetration of past serious human rights violations; namely:
 - ✓ conduct a constitutional reform; a comprehensive security reform not limited to training and which includes provision of advice by partners and technical assistance of relevant stakeholders;
 - ✓ Enact the Truth and Reconciliation Commission to address past human rights violations and abuses and to provide reparation for victims;
 - ✓ Review and reform the Election Act in order to have an electoral process which is free, fair and transparent; and
 - ✓ Review and reform the Public Utilities Regulatory Authority Act to strengthen the independence of the authority;

Peace and Security

- ii. Ensure that all government actions conform to the provision or principle of equality and non-discrimination and facilitate inclusion in every sphere;
- iii. Create awareness on the negative impact of tribalism or any other derogatory discourse or hate speech which could be detrimental to peace, security and social cohesion in the current political and social environment of the country;
- iv. Continue to advocate for peace and reconciliation in order to avoid ethnic tension and conflicts;
- v. Take all measures to avoid internal political disagreements within the Coalition, which can threaten national stability, peace and reconciliation;

Security Sector

- vi. Embark on reforms of the police to ensure that they respect and protect human rights;
- vii. Investigate all allegations of human rights violations involving the security sector and publish the outcome of all investigations;
- viii. Introduce regular human rights training of personnel at all levels including the State Security Services formerly National Intelligence Agency;
- ix. Increase the number of female personnel in the police and remove all restrictions impeding their recruitment, promotion and welfare in the institution;

Judiciary

- x. Continue and scale up reform of the Justice sector and ensure that reforms are comprehensive and sustainable;
- xi. Eliminate discrimination against women within the courts particularly in traditional courts in all areas including determination of rights relating to marriage, ownership of land, inheritance and succession;
- xii. Introduce and implement measures for recruitment of judges and ensure an increase in women personnel in all courts and at all levels in the judiciary;
- xiii. Guarantee the independence of the judiciary in law and practice, and increase its resources for efficient and effective justice service delivery;
- xiv. Ensure that the cases of all detainees whose trials and appeals are pending will be promptly heard and their rights to fair trial are respected;

Prevention of Torture

- xv. Continue the move to deter security forces or any other person to engage in torture such as the systematic investigation of alleged cases of torture against detainees by prisons officers;
- xvi. Take steps to criminalise torture in the penal code of the country;

- xvii. Implement fully the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines)

Prisons

- xviii. Immediately release all those on remand in detention centres who have exceeded the legal remand time;
- xix. Introduce vocational training and provide equipment and materials in all prisons;
- xx. Mainstream human rights in the training of prisons personnel;
- xxi. Ensure that prisons infrastructure meets minimum international standards on detention and in particular to address overcrowding by namely completing the construction of unfinished buildings at Jeshwang Prisons;
- xxii. Improve on the sanitary provision and condition relating to the detainees;
- xxiii. Improve on the working condition and facilities of all personnel in the prison service;
- xxiv. Adopt measures to ensure that all detainees including foreign nationals have regular communication with their families and facilitate regular access to the prisons by NGOs and CSOs;
- xxv. Separate detainees on remand from those convicted;
- xxvi. Abide by standards and Principles relative to prisons and detention centres which are laid down in the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines);

Transitional Justice Mechanisms

- xxvii. Ensure that all trials in respect of crimes committed by the previous regime are fair and respect rule of law and human rights;
- xxviii. Pay attention to all violations including those committed against women and children;

- xxix. Ensure that all victims receive adequate reparation while taking into account their present specific situations and conditions;
- xxx. Ensure that the interest of victims is meticulously balanced while pursuing any national interest or whatever reconciliation process;

National Human Rights Institution

- xxxi. Enact a law to establish the Human Rights Commission and ensure that the law establishing it is Paris Principles compliant;
- xxxii. Provide the necessary resources for the effective and efficient operations of the Commission;
- xxxiii. Work with the Commission to develop a national human rights action plan;

Freedom of Expression and Access to Information

- xxxiv. Develop and implement a Communication Strategy that will assist the government in providing timely and comprehensive information to the public;
- xxxv. Reform all laws or legal frameworks inimical to freedom of expression and access to information and observe a moratorium on the utilisation of such law until these are reviewed or removed from the legal landscape of the country;

Migration

- xxxvi. Continue to support the voluntary repatriation of Gambians who are negatively affected by migration through the Mediterranean Sea and in Libya;
- xxxvii. Scale up programmes to assist returnees in the area of rehabilitation, resettlement and livelihood programs;
- xxxviii. Conduct sensitization programs on the dangers of migration through the Mediterranean Sea and provide comprehensive information for safe migration;
- xxxix. Address dangerous migration through the "back way" by children by sensitization programs in schools;

Youth

- xl. Increase employment opportunities for the youth through, training, establishment of job centres to assist youth in to secure employment;
- xli. Implement policies towards development of the economy that will cater for employment and support entrepreneurship among the youth;
- xl.ii. Support establishment of small and medium enterprises through incentives;
- xl.iii. Ensure the inclusion of youth in decision making processes;
- xl.iv. Establish sports centres and youth centres so that the youth will be engaged in healthy activities;
- xl.v. Ensure that the development and implementation of all development projects include at least 20 percent of youth participation;

Women

- xlvi. Enact a law to provide for at least 30 percent quota for women in all decision making positions;
- xl.ii. Embark on sensitization, civic education and provide incentives for women to take up leadership roles and to contest for public offices;
- xl.iii. Reform electoral laws, systems and regulations for political parties to remove barriers women face when vying for elected offices;
- xl.ii. Increase efforts to implement the laws against child marriage and female genital mutilation and conduct awareness raising programs in local languages;
 - l. Review land tenure laws and systems to increase women's ownership and access to land;
 - li. Increase economic activities of women and ensure they have access to finance to support their livelihood activities;

Persons with Disabilities and Older persons

- lii. Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons;

- liii. Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities;
- liv. Ensure that the disability bill which is to be enacted complies with the standards set in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities;
- lv. Ensure the provision of more facilities to cater for the needs of older persons and embark on awareness raising programs in relation to how to mainstream the rights of older persons and persons with disabilities;

Children

- lvi. Continue with and strengthen programmes and policies in place which aim at ensuring that children receive the special attention they need , namely with regard to education, health and protection against harmful traditional practices or some religious beliefs which are detrimental to their rights;

Economic, Social & Cultural Rights

- lvii. Address the cause of deaths in the Tanka Tanka and introduce measures to reduce confrontations between medical personnel and patients;
- lviii. Strengthen university infrastructure and other educational institutions and programmes to enable these to provide quality and affordable services;
- lix. Address the shortcoming in the social security schemes which exist and ensure universal coverage at least for the most vulnerable groups;
- lx. Sectors like agriculture, enterprises, banking and industries should be reformed to respond to the needs of a relatively growing population and developmental challenges which negatively impact on living standards;
- lxi. Increase investments in the public utilities sectors;

HIV/AIDS

- lxii. Ensure that the national response to HIV is provided with sufficient funding and eliminate discriminatory practices and treatment which would deter vulnerable and marginalized groups from accessing the services provided by the Ministry of Health;

Extractive Industries

- lxiii. Finalize the development of a policy on sand mining which should include measures to account for and publish the revenues from sand mining;

Ratification and domestication of international human rights instruments

- lxiv. Ratify regional and international instruments on human rights which have not yet been ratified and take steps to domesticate all regional and international human rights instruments that have been ratified.

Cooperation with the Commission

- lxv. Submit its overdue periodic reports, in accordance with Article 62 of the Charter and Article 26 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- lxvi. Ensure a proper coverage of statutory activities of the Commission which take place in The Gambia;
- **To civil society:**
- lxvii. Conduct sensitization for all groups within the population to enable them to be aware of their fundamental rights and claim them whenever need be;
- lxviii. Work on addressing stigma associated to HIV and disability;
- lxix. Engage constructively the Government and the relevant stakeholders in order to participate in all reforms and maintain the collaborative relationship which should

exist between key players as far as the promotion and protection of human rights is concerned;

- lxx. For those who have not done so, take the necessary measures to obtain the observer status at the Commission, and for NGOs with the said status, comply with the rights and obligations arising therefrom, namely submit their activity report to the Commission in conformity to its Resolution on Observer Status;

- **To the International Community and Partners:**

- lxxi. The international community and international partners should support the Government in mobilizing the necessary human, financial, technical and logistical support for the necessary reforms;
- lxxii. World Bank, European Union, U.N, African Development Bank to ensure that their support to government is substantial and sustainable
- lxxiii. Support the government reform agenda particularly relating to human rights protection, the Justice and Security sectors.
- lxxiv. Support the government to embark on the development of a national human rights action plan;

220. In conclusion, while reassuring the total availability of the Commission to assist the Government in all its endeavours pertaining to the promotion and protection of human and peoples' rights, we call on the Government to take all the necessary measures to implement the recommendations contained in this report and include the status of implementation of these in its next State Periodic Report submitted under Article 62 of the Charter and 26 of the Maputo Protocol.