

Statement
UPR Pre-session on The Gambia
Geneva, 21 November 2024
Delivered by: National Human Rights Commission, The Gambia

1. Presentation of the Organisation and involvement in national consultations

This statement is delivered on behalf of the National Human Rights Commission (NHRC) - The Gambia, a national human rights institution established by an Act of Parliament in 2017 to promote and protect human rights in The Gambia. Since 2019, the NHRC has participated in UPR processes at the national level contributing to the national consultation led by the Ministry of Justice, reviewing and validating the draft National Report, and drafting a stakeholder report with a working group comprised of State and Civil Society stakeholders.

2. Plan of the Statement

This statement addresses the following issues: (1) transitional justice (with a focus on the financial inquiry commission and security sector reform) and (2) economic, social and cultural rights (with a focus on children's rights).

3. Statement

i. Transitional Justice

During the previous review, the State supported several recommendations aimed at reforming key institutions in the transitional justice process. Despite the progress recorded, the NHRC remains concerned over the implementation of interventions to prevent the recurrence of past violations.

a. Financial Inquiry into the financial dealings of Former President Jammeh, his family members and close associates

The Financial Commission was the first mechanism established as part of the transitional justice process to address the mismanagement of public finances, reduce corruption and bribery. Although the Commission submitted its report to the President in 2019, to date few of its recommendations have been implemented.

b. Security Sector Reform

During the third cycle review, The Gambia accepted recommendations from Myanmar, Botswana, Portugal, and South Africa on the reform of the security sector to promote the rule of law and access to justice at the national level as it is a fundamental pillar of the transitional justice process as evidenced in the final report of the Truth, Reconciliation and Reparations Commission (TRRC), which investigated crimes perpetrated by the Jammeh regime from 1994 to 2017. The NHRC is concerned over the slow pace of the SSR process which can be attributed to the absence of an effective coordination mechanism for multi-sectoral implementation.

In particular, the State accepted recommendations from Croatia and France to provide capacity building to security officials. Similarly, the Truth Commission recommended capacity building for

security officials to enhance respect for human rights within the sector. Several stakeholders have been providing such interventions to officials of the security sector. As recommended by the Truth Commission, the NHRC has developed a training manual on IHRL, IHL and SGBV for the security sector. However, the provision of capacity building to the sector is not coordinated, attributable to the ineffective coordination of the Security Sector Reform process.

d. Recommendations

To enhance the transitional justice process, we recommend that The Gambia:

- a. By the end of 2025, provide a clear framework for the implementation of recommendations from the Financial Commission to contribute to SDG target 16.5 on reducing corruption and bribery in all their forms.
- b. Establish a coordination mechanism by 2025 under the Office of the National Security Adviser to coordinate the implementation of the Security Sector Reform process and the 2023-2027 Strategy.
- c. Prioritise the enactment of the National Security Council Bill (2022), the bedrock of the ongoing SSR process.
- d. The Office of the National Security Adviser by 2027 to develop a plan to ensure security officials at all levels are trained on IHRL, IHL, and SGBV based on the NHRC manuals.

These interventions will directly contribute to SDG target 16.6 on effective, transparent, and accountable institutions including security sector institutions.

ii. Economic, Social and Cultural Rights (with a focus on children's rights).

During the previous review, the State accepted recommendations from Nigeria, the Holy See and Congo to enhance the right to food, reduce poverty and ensure good health and well-being.

To fulfil its ESCR obligations, the State has published the Recovery-Focused National Development Plan 2023-2027 and developed a National Health Policy 2022-2030 to enhance access to health services for the most vulnerable. However, rising extreme poverty underscores the urgent need for the State to meet its minimum core ESCR obligations. In addition, the NHRC is concerned about the high number of young people undertaking the dangerous journey to Europe with its untold casualties.

During the reporting period, the child's right to health was severely threatened in The Gambia following the outbreak of Acute Kidney Injury (AKI) in August 2022 which claimed the lives of over 70 children. A Task Force established to investigate the outbreak submitted its report with recommendations to the President in July 2023.

iv. Recommendations

We therefore recommend that the State of The Gambia:

- a. As provided in the RF-NDP, by 2027 enhance the meaningful employment of young people to address irregular migration amongst the youths to contribute to SDG target 8.6.

- b. By mid-2025 publish a framework for implementation of recommendations from the AKI Task Force to contribute to SDG targets 3.2 and 3.9.