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<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
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## **Press Release on the Promotion Mission of the African Commission on Human and Peoples' Rights to the Republic of The Gambia**

Following the authorization of the Government of the Republic of The Gambia, and in accordance with Article 45(1) of the African Charter on Human and Peoples' Rights (the Charter), a Delegation of the African Commission on Human and Peoples' Rights (the Commission) undertook a human rights promotion mission to the Republic of The Gambia (The Gambia) from 19 to 24 April 2017.

The Delegation was composed of:

- Honourable Commissioner Jamesina Essie L. King, Commissioner responsible for the promotion and protection of human and peoples' rights in The Gambia and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; and
- Honourable Commissioner Reine Alapini Gansou, Special Rapporteur on Human Rights Defenders in Africa.

The objectives of the mission were, inter alia, to promote the African Charter and all other regional and international human rights instruments which the country has ratified; strengthen relations between the Commission and The Gambia, engage with relevant stakeholders, exchange views on ways and means of enhancing the enjoyment of human rights in the country and seek information on human rights issues of particular concern to the Commission.

During the mission, the Delegation paid a courtesy call on Her Excellency Aja Fatoumatta Jallow Tambajang, Minister of Women Affairs, overseeing the Office of the Vice-President and held discussions with her on the purpose of the mission. The Delegation held similar discussions with various state and non-state actors involved in the promotion and protection of human and peoples' rights in The Gambia. The Delegation met with the Speaker of the National Assembly, the Chief Justice, the Attorney General and Minister of Justice, the Minister of Information and Communication, the Minister of Lands and Regional Governments, the Minister of Basic and Secondary Education, the Minister of Youth and Sports, the Inspector General of Police, Senior officials from the following ministries and institutions; Ministry of

Foreign Affairs, International Cooperation and Gambians Abroad, Ministry of Interior, Ministry of Health and Social Welfare. The Delegation also met the Public Utilities Regulatory Authority and the Independent Electoral Commission.

The Delegation met with representatives of the United Nations Development Programme (UNDP) and the United Nations International Children's Emergency Fund (UNICEF), civil society organisations including the Institute for Human Rights and Development in Africa (IHRDA), The Association of Non-Governmental Organisations (TANGO), the African Centre for Democracy and Human Rights Studies (ACDHRS) and the Gambia Press Union (GPU).

The Delegation visited and interacted with both the management and inmates at three detention centres of The Gambia which are Miles Two Central Prison, Jeshwang Detention Camp and Janjanbureh Prison.

The Delegation also visited social and rehabilitation facilities in The Gambia, in particular Tanka Tanka Psychiatric Hospital and the Shelter for Children and Home for the Elderly.

The Delegation 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. The Delegation also commends 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.

The Delegation 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.

Further, the Delegation notes the following positive developments:

- 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.
- The commitment to submit all its overdue reports to treaty bodies including to the Commission;
- The recently concluded peaceful parliamentary elections in April;
- 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;
- Plans towards the establishment of a national human rights institution for the protection and promotion of human rights;

- Efforts to establish transitional justice mechanisms, including a Truth and Reconciliation body;
- Efforts to promote reconciliation and to provide justice to victims of human rights violations which took place under the former regime;
- Plans to bring detention centres in line with regional and international standards;
- 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;
- Commitment to review the media laws, guarantee freedom of expression and access to information, and the drafting of an Access to Information Act;
- 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;
- 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;
- Efforts to eradicate traditional harmful practices such as child marriage and female genital mutilation;
- On-going efforts in the health and education sectors particularly in the area of basic and secondary school education.

In spite of these positive aspects, the Delegation is concerned about many challenges, including:

- The need to promote social cohesion, political stability, inclusion, equality and non-discrimination at all levels in the Gambian society;
- 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;
- The low representation of women in parliament and other decision making positions;
- 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;
- Challenges in the administration of justice including inadequate number of judicial personnel, poor conditions of service and insecurity of tenure of judicial personnel;
- 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;
- 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;
- 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;
- 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;
  - The need to provide adequate health care including mental health care to detainees;
  - 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 high seas as well as keeping thousands facing various hazards in Libya, Lampedusa, and the Saharan desert;
  - 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;
  - The need to provide more schools and support for children with special needs nationwide;
  - 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;
  - The need for government at the highest level to reaffirm their commitment to the campaign against child marriage and female genital mutilation;
  - 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.

The Commission will adopt a detailed mission report with detailed recommendations which will be forwarded to the State for comments before publication. Meanwhile, the Delegation would like to make the following preliminary recommendations:

- The Government should incorporate the promotion and protection of human and peoples’ rights in all its actions as well as in the legal, policy and institutional reforms and address past and continuing human rights violations;
- The Government should take immediate steps to ensure an independent, effective and efficient judiciary, undertake prison reforms and establish an inclusive and victim centred transitional justice mechanisms which will include the provision of remedies for past and continuing human rights violations;
- The Government should 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; and
- The international community and international partners should support the Government in mobilizing the necessary human, financial, technical and

logistical support for the necessary reforms, and continue to support on-going efforts to ensure human and peoples' rights promotion and protection in the country.

The Delegation wishes to express its profound gratitude to the Government of The Gambia, particularly the Office of the Attorney General and Ministry of Justice, for facilitating the mission and for the constructive dialogue with all stakeholders.

A press conference was organised at the end of the mission.

**Banjul, 24 April 2017**